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Air Regulations
and Aeronautics
Act 8th ed.



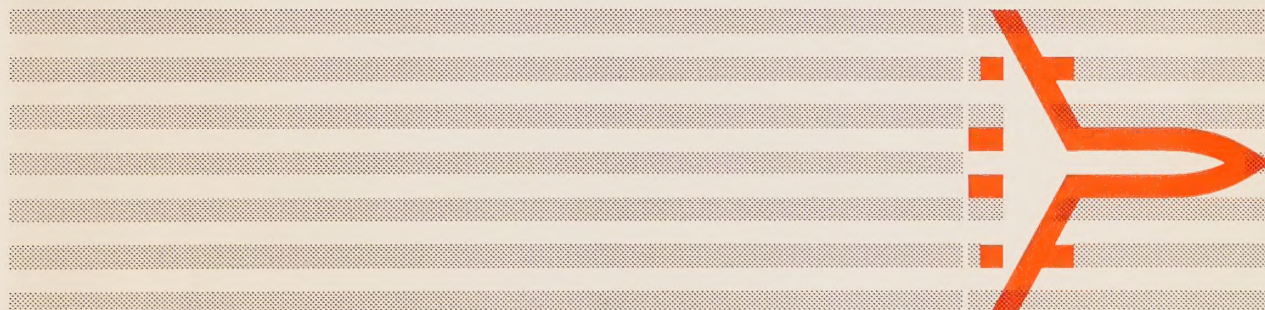
AIR REGULATIONS AND AERONAUTICS ACT



EIGHTH EDITION

CAUTION

This publication is subject to revision. To receive updating information, complete and forward the enclosed reply card immediately upon purchase.



NOTE

All persons making use of this consolidation are reminded that it has no official sanction; that the amendments have been embodied only for convenience of reference; and that the original regulations and amendments thereto, as published in the Consolidated Regulations of Canada (CRC) and Part II of the Canada Gazette, should be consulted for all purposes of interpreting and applying the regulations.

This revised edition incorporates all legislation enacted prior to January 30th, 1990 and supersedes all previous editions of the Air Regulations and Aeronautics Act.

RECORD OF AMENDMENTS

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RECORD OF AMENDMENTS

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**AIR REGULATIONS
AND
AERONAUTICS ACT
(TP 524E)**

AMENDMENT NO. 8

APRIL 28, 1995



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AIR REGULATIONS AND AERONAUTICS ACT

AMENDMENT NO. 7

OCTOBER 14, 1994



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**AIR REGULATIONS
AND
AERONAUTICS ACT**

**AMENDMENT NO. 6
TO THE
AIR REGULATIONS**

AUGUST 3, 1994

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**AIR REGULATIONS
AND
AERONAUTICS ACT**

**AMENDMENT NO. 5
TO THE
AIR REGULATIONS**

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AIR REGULATIONS

AND

AERONAUTICS ACT

AMENDMENT NO. 4

INCLUDING CORRECTIONS

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OCTOBER 15, 1993

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**AIR REGULATIONS
AND
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**AMENDMENT NO. 3
FEBRUARY 12, 1993**

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AMENDMENT NO. 2

JULY 23, 1992



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**AIR REGULATIONS
AND
AERONAUTICS ACT**

**AMENDMENT NO. 1
JANUARY 31, 1992**

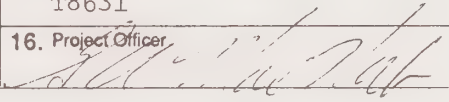


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THE AIR REGULATIONS

CHECK SHEET

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1	90 - 138	22 Feb. 1990	14 Nov. 1990
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1	62-163	26	Apr.	1962	9	May	1962
2	63-168	9	May	1963	22	May	1963
3	64-82	20	Feb.	1964	11	Mar.	1964
4	64-349	25	Aug.	1964	9	Sept.	1964
5	65-153	13	Apr.	1965	28	Apr.	1965
6	65-441	22	Sept.	1965	13	Oct.	1965
7	66-199	25	Apr.	1966	11	May	1966
8	66-232	13	May	1966	25	May	1966
9	66-423	2	Sept.	1966	28	Sept.	1966
10	66-490	27	Oct.	1966	9	Nov.	1966
	67-111	7	Mar.	1967	22	Mar.	1967
11	67-442	23	Aug.	1967	13	Sept.	1967
	68-153	17	Apr.	1968	8	May	1968
12	69-82	18	Feb.	1969	12	Mar.	1969
	69-233	6	May	1969	28	May	1969
	69-627	8	Dec.	1969	24	Dec.	1969
	70-86	28	Feb.	1970	11	Mar.	1970
13	72-340	28	Aug.	1972	13	Sept.	1972
14	73-655	26	Oct.	1973	14	Nov.	1973
	73-686	7	Nov.	1973	28	Nov.	1973
15	74-196	27	Mar.	1974	10	Apr.	1974
16	75-14	17	Dec.	1974	18	Dec.	1974
17	75-523	2	Sept.	1975	24	Sept.	1975
18	75-707	11	Dec.	1975	24	Dec.	1975
19	76-111	3	Feb.	1976	5	Feb.	1976
20	76-216	26	Mar.	1976	14	Apr.	1976
	76-361	9	June	1976	23	Jan.	1976

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21	77-307	5	Apr.	1977	27	Apr.	1977
22	76-772	18	Nov.	1976	8	Dec.	1976
23	77-1117	15	Dec.	1977	16	Dec.	1977
	77-1118	15	Dec.	1977	16	Dec.	1977
24	78-450	12	May	1978	24	May	1978
	78-473	23	May	1978	14	June	1978
25	78-572	11	July	1978	26	July	1978
26	78-936	11	Dec.	1978	27	Dec.	1978
27	79-261	15	Mar.	1979	28	Mar.	1979
28	80-390	23	May	1980	11	June	1980
29	80-294	24	Apr.	1980	14	May	1980
	80-756	19	Sep.	1980	8	Oct.	1980
30	81-949	20	Nov.	1981	9	Dec.	1981
31	82-39	21	Dec.	1981	13	Jan.	1982
32	82-350	22	Mar.	1982	14	Apr.	1982
33	82-543	28	May	1982	9	June	1982
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35	82-984	28	Oct.	1982	10	Nov.	1982
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	82-1052	26	Nov.	1982	8	Dec.	1982
36	83-22	20	Dec.	1982	12	Jan.	1983
37	83-305	5	Apr.	1983	27	Apr.	1983
38	83-473	26	May	1983	8	June	1983
	83-499	3	June	1983	22	June	1983
39	83-627	28	July	1983	10	Aug.	1983
	83-653	16	Aug.	1983	24	Aug.	1983
40	83-936	9	Dec.	1983	28	Dec.	1983
41	83-941	12	Dec.	1983	28	Dec.	1983

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42	84-173	9	Feb.	1984	22	Feb.	1984
43	84-305	13	Apr.	1984	2	May	1984
44	84-393	17	May	1984	30	May	1984
	84-671	15	Aug.	1984	5	Sept.	1984
45	84-933	22	Nov.	1984	12	Dec.	1984
46	85-60	3	Jan.	1985	23	Jan.	1985
47	85-232	7	Mar.	1985	20	Mar.	1985
48	85-482	23	May	1985	12	June	1985
49	85-932	19	Sept.	1985	2	Oct.	1985
	85-934	19	Sept.	1985	2	Oct.	1985
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50	85-1089	21	Nov.	1985	11	Dec.	1985
	85-1090	21	Nov.	1985	11	Dec.	1985
51	86-51	19	Dec.	1985	8	Jan.	1986
	86-52	19	Dec.	1985	8	Jan.	1986
	86-53	19	Dec.	1985	8	Jan.	1986
52	86-300	6	Mar.	1986	19	Mar.	1986
	86-302	6	Mar.	1986	19	Mar.	1986
53	86-478	24	Apr.	1986	14	May	1986
54	86-595	29	May	1986	11	June	1986
	86-596	29	May	1986	11	June	1986
55	86-964	11	Sept.	1986	1	Oct.	1986
56	87-554	10	Sept.	1987	30	Sept.	1987
57	87-656	19	Nov.	1987	9	Dec.	1987
	88-184	17	Mar.	1988	30	Mar.	1988
	88-194	17	Mar.	1988	30	Mar.	1988
58	88-301	26	May	1988	8	June	1988
59	88-421	11	Aug.	1988	31	Aug.	1988

NOTE: The regulations referred to in items 24, 25, 26 and 27 were republished in special issues of the Canada Gazette, reflecting the number changes resulting from the C.R.C. recodification.

(iv)

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PART I

GENERAL

SHORT TITLE

100. These Regulations may be cited as the Air Regulations.

INTERPRETATION

101. (1) In these Regulations,

"acrobatic flight" means manoeuvres intentionally performed by an aircraft, involving an abrupt change in its attitude, an abnormal attitude, or an abnormal variation in speed; (acrobatie aérienne)

"advisory services" means the provision, by one aeronautical radio station to another aeronautical radio station, of aviation safety information, including aeronautical weather information and serviceability reports, in respect of aerodromes, air navigation aids and approach aids, but does not include the provision of IFR air traffic control messages; (services consultatifs)

"aerodrome" means any area of land, water (including the frozen surface thereof) or other supporting surface used or designed, prepared, equipped or set apart for use either in whole or in part for the arrival and departure, movement or servicing of aircraft and includes any buildings, installations and equipment in connection therewith; (aérodrome)

"aerodrome traffic zone" means an airspace extending upwards vertically from the surface of the earth and designated as an aerodrome traffic zone in the Designated Airspace Handbook issued under the authority of the Minister; (zone de circulation d'aérodrome)

"aeronautical product" means any aircraft or any aircraft engine, propeller or appliance; (produit aéronautique)

"aeronautical radio station" means

- (a) a radio station that is in an aircraft and that is capable of two-way voice communication with another such radio station, an air traffic control unit or a flight service station,
- (b) a radio station that is in an air traffic control unit and is capable of two-way voice communication with another such radio station, an aircraft or a flight service station, or
- (c) a radio station that is in a flight service station and that is capable of two-way voice communication with another such radio station, an air traffic control unit or an aircraft; (station radio aéronautique);

"aeroplane" means a power-driven heavier-than-air aircraft, deriving its lift in flight from aerodynamic reactions on surfaces that remain fixed under given conditions of flight; (avion)

"Agency" means the National Transportation Agency established by section 6 of the National Transportation Act, 1987; (Office)

"air carrier" means any person who operates a commercial air service; (transporteur aérien)

"aircraft" means any machine capable of deriving support in the atmosphere from the reactions of the air; (aéronef)

"airport traffic" means all traffic on the manoeuvring area of an airport and all aircraft flying in the vicinity of an airport; (circulation d'aéroport)

"airship" means a power-driven lighter-than-air aircraft; (dirigeable)

"air traffic" means all aircraft in flight and aircraft operating on the manoeuvring area of an aerodrome; (circulation aérienne)

"air traffic control clearance" means authorization by an air traffic control unit for an aircraft to proceed within controlled airspace under specified conditions; (autorisation du contrôle de la circulation aérienne)

"air traffic control instruction" means a directive issued by an air traffic control unit for air traffic control purposes; (instructions du contrôle de la circulation aérienne)

"air traffic control service" means a service as specified in Part VI, provided for the purposes of

(a) preventing collisions

(i) between aircraft; and

(ii) on the manoeuvring area between aircraft and obstructions, and

(b) expediting and maintaining an orderly flow of air traffic; (service du contrôle de la circulation aérienne)

"air traffic control unit" means

(a) an area control centre established to provide air traffic control service to IFR flights;

(b) a terminal control unit established to provide air traffic control service to IFR flights operating within a terminal control area; or

(c) an airport control tower unit established to provide air traffic control service to airport traffic,

as the circumstances require; (organe du contrôle de la circulation aérienne)

"Airworthiness Manual" means the Airworthiness Manual published pursuant to section 211; (manuel de navigabilité)

"airworthy" means, in respect of an aeronautical product, in a fit and safe state for flight and in conformity with the applicable standards of airworthiness; (état de navigabilité)

"alternate airport" means an aerodrome specified in a flight plan to which a flight may proceed when a landing at the intended destination becomes inadvisable; (aéroport de dégagement)

"amateur built aircraft" means any aircraft designated by the Minister as an amateur built aircraft pursuant to subsection 211 (3); (aéronef de construction amateur)

"appliance" means any instrument, mechanism, equipment, apparatus or accessory that is

(a) used or intended to be used in operating or controlling an aircraft in flight,

(b) installed in or attached to or intended to be installed in or attached to an aircraft, and

- (c) not part of the airframe, engine or propeller of an aircraft; (*appareillage*)
- "apron" means the part of an aerodrome, other than the manoeuvring area, intended to accommodate the loading and unloading of passengers and cargo, the refuelling, servicing, maintenance and parking of aircraft, and any movement of aircraft, vehicles and pedestrians necessary for such purposes; (*aire de trafic*)
- "balloon" means a motorless lighter-than-air aircraft; (*ballon*)
- "Canada Air Pilot" means the publication referred to in Section 554; (*Canada Air Pilot*)
- "Canadian aircraft" means an aircraft registered in Canada under Part II; (*aéronef canadien*)
- "Category II minima" in respect of an aerodrome, means the minima specified in the *Canada Air Pilot* for a Category II precision approach to a runway at that aerodrome; (*minima de catégorie II*)
- "ceiling" means the lowest height at which a broken or overcast condition exists, or the vertical visibility when an obscured condition such as snow, smoke or fog exists, whichever is the lower; (*plafond*)
- "certificate of airworthiness" means a conditional certificate of fitness for flight issued in respect of a particular aircraft under Part II of these Regulations or under the laws of the state in which the aircraft is registered; (*certificat de navigabilité*)
- "certificate of noise compliance" means a certificate issued by the Minister under section 316; (*certificat de conformité acoustique*)
- "certificate of registration" means a certificate issued pursuant to the *Aircraft Marking and Registration Regulations*; (*certificat d'immatriculation*)
- "certificate of transfer of ownership" means a certificate referred to in paragraph 208(2)(c); (*certificat de transfert de propriété*)
- "civil aircraft" means any aircraft other than a military aircraft; (*aéronef civil*)
- "commercial aircraft" means an aircraft operated or available for operation for hire or reward; (*aéronef commercial*)
- "commercial air service" means any use of aircraft for hire or reward; (*service aérien commercial*)
- "COMMET station" means a ground communications facility that
- (a) is associated with a weather station operated by or on behalf of the Minister of the Environment, and
 - (b) is authorized by the Minister of Transport to give weather information to aircraft; (*station COMMET*)
- "component" means any material, part or subassembly intended for use on an aeronautical product; (*composant*)
- "contracting state" means a state that is a party to the Convention; (*État contractant*)

- "control area" means a controlled airspace extending upwards vertically from a specified height above the surface of the earth and designated as a control area in the *Designated Airspace Handbook* issued under the authority of the Minister; (*région de contrôle*)
- "controlled airport" means an airport at which an air traffic control unit is provided; (*aéroport contrôlé*)
- "controlled airspace" means an airspace of defined dimensions within which air traffic control service is provided; (*espace aérien contrôlé*)
- "control zone" means a controlled airspace extending upwards vertically from the surface of the earth and designated as a control zone in the *Designated Airspace Handbook* issued under the authority of the Minister; (*zone de contrôle*)
- "Convention" means the Convention on International Civil Aviation signed on behalf of Canada at Chicago on December 7, 1944; (*Convention*)
- "crew member" means a person assigned to duty in an aircraft during flight time; (*membre d'équipage*)
- "critical engine" means the engine, the failure of which gives the most adverse effect on the aircraft characteristics relative to the aircraft under consideration; (*moteur le plus défavorable*)
- "cruising altitude" means an altitude, as shown by a constant altimeter indication in relation to a fixed and defined datum, maintained during a flight or portion thereof; (*altitude de croisière*)
- "daylight" means, in respect of any place in Canada, the period of time in any day when the centre of the sun's disc is less than 6° below the horizon, and in any place where the sun rises and sets daily, may be considered to be the period of time commencing 1/2 hour before sunrise and ending 1/2 hour after sunset; (*jour*)
- "day VFR" means, in respect of the flight of any aircraft in Canada, a flight conducted in accordance with VFR during the hours of daylight; (*vol VFR de jour*)
- "decision height", in respect of an aircraft on a precision approach to a runway, means the height above the touch-down zone elevation of the runway specified as the decision height for a precision approach to the runway in the *Canada Air Pilot* or where no such height is specified in the *Canada Air Pilot*,
- (a) in the operations specifications for the operator of the aircraft where the operator is an air carrier, or
 - (b) in the operations manual of the operator of the aircraft where the manual is required under the *Private Aeroplanes Passenger Transportation Order*; (*hauteur de décision*)
- "*Designated Airspace Handbook*" means the document published under that title and bearing publication number TP 1820E, available from the Department of Transport; (*Manuel des espaces aériens désignés*)
- "*Engineering and Inspection Manual*" means the *Engineering and Inspection Manual* published pursuant to section 211; (*manuel du mécanicien et de l'inspecteur*)
- "*Federal Aviation Regulations* (U.S.)" means, subject to subsections (2) and (3), the following parts of the *Federal Aviation Regulations* published by the Government of the United States, namely,

- (a) Part 23 - Airworthiness Standards - Normal, Utility and Acrobatic Category Airplanes, as amended to and including amendment 23-31 published in the *Federal Register* November 28, 1984,
- (b) Part 25 - Airworthiness Standards - Transport Category Airplanes, as amended to and including amendment 25-59 published in the *Federal Register* October 26, 1984,
- (c) Part 27 - Airworthiness Standards - Normal Category Rotorcraft, as amended to and including amendment 27-21 published in the *Federal Register* November 6, 1984,
- (d) Part 29 - Airworthiness Standards - Transport Category Rotorcraft, as amended to and including amendment 29-24 published in the *Federal Register* November 6, 1984,
- (e) Part 31 - Airworthiness Standards - Manned Free Balloons, as amended to and including amendment 31-4 published in the *Federal Register* September 11, 1980,
- (f) Part 33 - Airworthiness Standards - Aircraft Engines, as amended to and including amendment 33-10 published in the *Federal Register* February 23, 1984, and
- (g) Part 35 - Airworthiness Standards - Propellers, as amended to and including amendment 35-5 published in the *Federal Register* September 11, 1980;
[*Federal Aviation Regulations (U.S.)*]

"flight crew member" means a crew member acting as pilot-in-command, co-pilot, flight navigator, flight engineer or second officer of an aircraft during flight time; (*membre de l'équipage de conduite*)

"flight information region" means an airspace of defined dimensions extending upwards from the surface of the earth within which flight information service and alerting service is provided; (*région d'information de vol*)

"flight notification" means the information required to be submitted in the form of a flight notification in accordance with the standards and procedures for flight notifications referred to in section 537; (*avis de vol*)

"flight permit" means a permit issued pursuant to section 211; (*permis de vol*)

"flight plan" means the information required to be submitted in the form of a flight plan in accordance with the standards and procedures for flight plans referred to in section 537; (*plan de vol*)

"flight service station" means a ground station that is part of an aeronautical mobile service established by the Minister under section 3.2 of the Act to provide advisory services to aircraft and to provide a communications service for the safe movement of aircraft; (*station d'information de vol*)

"flight time" means the total time from the moment the aircraft first moves under its own power for the purpose of taking off until the moment it comes to rest at the end of the flight; (*temps de vol*)

"flight visibility" means the average range of visibility at any given time forward from the cockpit of an aircraft in flight; (*visibilité en vol*)

"glider" means a heavier-than-air aircraft, that is supported in flight by the dynamic reaction of the air against its fixed lifting surfaces and whose free flight does not depend on an engine; (*planeur*)

- "ground visibility", in respect of an aerodrome, means the visibility at that aerodrome as contained in a weather observation reported by
- (a) an air traffic control unit,
 - (b) a flight service station,
 - (c) a community aerodrome radio station operated under the control and supervision of the territorial government of the Northwest Territories or the Yukon Territory,
 - (d) a COMMET station, or
 - (e) a radio station that is ground based and operated by an air carrier; (*visibilité au sol*)
- "gyroplane" means a heavier-than-air aircraft supported in flight by the reactions of the air on one or more rotors that rotate freely on substantially vertical axes; (*autogyre*)
- "hang glider" means a motorless heavier-than-air aircraft deriving its lift from surfaces that remain fixed in flight, designed to carry not more than two persons and having a launch weight of 45 kg or less; (*aile libre*)
- "heading" means the direction in which the longitudinal axis of an aircraft is pointed, usually expressed in degrees from North (true, magnetic, compass or grid); (*cap*)
- "heavier-than-air aircraft" means any aircraft deriving its lift from aerodynamic forces; (*aérodynes*)
- "helicopter" means a heavier-than-air aircraft supported in flight by the reactions of the air on one or more power-driven rotors on substantially vertical axes; (*hélicoptère*)
- "instrument flight rules" means the rules set forth in Division IV of Part V of these Regulations and in the orders made by the Minister thereunder; (*règles de vol aux instruments*)
- "IFR" means the instrument flight rules; (*IFR*)
- "IFR aircraft" means an aircraft in IFR flight; (*aéronef IFR*)
- "IFR air traffic control message" means a message that contains an air traffic control clearance or instruction, a position report, or a procedure related to the conduct of a flight in accordance with the instrument flight rules; (*message IFR du contrôle de la circulation aérienne*)
- "IFR flight" means a flight conducted in accordance with the instrument flight rules; (*vol IFR*)
- "IFR weather conditions" means weather conditions below the minima prescribed pursuant to section 543; (*conditions atmosphériques IFR*)
- "instrument approach" means the orderly positioning of an IFR aircraft from the en route phase of a flight to a position and altitude from which a landing can be completed or a missed approach initiated; (*approche aux instruments*)
- "instrument approach procedure", in respect of an aircraft on an instrument approach to a runway or an aerodrome, means a procedure for an instrument approach, determined by the pilot-in-command of the aircraft on the basis of information specified for an IFR approach to that runway in the *Canada Air Pilot* or, where no such information is specified in the *Canada Air Pilot*,
- (a) in the operations specification for the operator of the aircraft where the operator is an air carrier, or

- (b) in the operations manual of the operator of the aircraft where the manual is required under the Private Aeroplanes Passenger Transportation Order; (procédure d'approche aux instruments)
- "issue", in respect of any document, includes any renewal, endorsement or validation thereof as provided in these Regulations; (délivrance)
- "landing", in respect of an aircraft, means the act of coming into contact with a supporting surface and includes the immediately preceding and following acts and, in respect of an airship or free balloon, means the act of bringing the airship or balloon under restraint and includes the immediately preceding and following acts; (atterrissage ou amérissage)
- "launch weight" means the total weight of a hang glider or an ultra-light aeroplane when it is ready for flight including any equipment, instruments and the maximum quantity of fuel and oil that it is designed to carry, but does not include
- the weight of any float equipment to a maximum weight of 34 kg,
 - the weight of the occupant, or
 - the weight of any ballistic parachute installation; (poids au départ)
- "lighter-than-air aircraft" means any aircraft supported by its buoyancy in the air; (aérostat)
- "making way" means the state of being under way on the surface of the water and having a velocity relative to such surface; (avoir de l'erre)
- "manoeuvring area" means that part of an aerodrome intended to be used for the taking off and landing of aircraft and for the movement of aircraft associated with take-off and landing, excluding aprons; (aire de manoeuvre)
- "minimum descent altitude", in respect of an aircraft on a non-precision approach to a runway, means the altitude specified in the Canada Air Pilot for a non-precision approach of an IFR aircraft to the runway or, where no such altitude is specified in the Canada Air Pilot,
- in the operations specifications for the operator of the aircraft where the operator is an air carrier, or
 - in the operations manual of the operator of the aircraft where the manual is required under the Private Aeroplane Passenger Transportation Order; (altitude minimale de descente)
- "Minister" means the Minister as defined in the Aeronautics Act; (Ministre)
- "model rocket" means a rocket
- constructed of balsa wood, paper and plastics and containing no substantial metal parts,
 - equipped with model rocket engines that will not generate a total impulse exceeding 80 newton-seconds,
 - of a gross weight, including engines, not exceeding 500 grams, and
 - equipped with a parachute or other device capable of retarding its descent so that no hazard is created to persons or property on the ground; (modèle réduit de fusée)
- "model rocket engine" means a commercially manufactured device designed and used for the propulsion of model rockets; (moteur de modèle réduit de fusée)

"movement area" means that part of an aerodrome intended to be used for the surface movement of aircraft and includes the manoeuvring area and aprons; (aire de mouvement)

"new owner" means a person who has accepted, by means of a certificate of transfer of ownership, transfer of ownership of an aircraft registered in Canada under Part II; (nouveau propriétaire)

"night" means, in respect of any place in Canada, the period of time when the centre of the sun's disc is more than 6° below the horizon, and, in any place where the sun rises and sets daily, may be considered to be the period of time commencing 1/2 hour after sunset and ending 1/2 hour before sunrise; (nuît)

"night VFR" means, in respect of the flight of any aircraft in Canada, a flight conducted in accordance with VFR during the hours of night; (vol VFR de nuit)

"non-precision approach" means an instrument approach other than a precision approach; (approche de non-précision)

"operations specifications", in respect of an air carrier, means the operations specifications set out in the operating certificate issued to the air carrier by the Minister pursuant to

- (a) the Air Carriers Using Large Aeroplanes Order,
- (b) the Air Carriers Using Small Aeroplanes Order, or
- (c) the Rotorcraft Air Transport Operations Order; (spécifications d'exploitation)

"operator" in respect of an aircraft, means the person in possession of the aircraft, whether as owner, lessee, hirer or otherwise and, in respect of an airport, means the holder of the airport licence, or the person in charge of such airport, whether as employee, agent or representative of the holder of such licence; (exploitant)

"overtaking aircraft" means an aircraft that is approaching another aircraft from the rear on a line forming an angle of less than 70° with the plane of symmetry of the latter, that is to say, is in such a position with reference to the other aircraft that at night it is not ordinarily possible to see either of the aircraft's forward lights; (aéronef qui dépasse)

"owner" in respect of an aircraft, includes

- (a) the person in whose name the aircraft is registered,
- (b) a person in possession of the aircraft as purchaser under a conditional sale or hire-purchase agreement that reserves to the vendor the title to the aircraft until payment of the purchase price or the performance of certain conditions,
- (c) a person in possession of the aircraft as chattel mortgagor under a chattel mortgage, and
- (d) a person in possession of the aircraft under a bona fide lease or agreement of hire; (propriétaire)

"ownership" means having legal custody and control of an aircraft; (propriété)

"personnel licence" means a licence, certificate or permit issued, renewed or validated under Part IV and includes a rating, endorsement or other document of authorization relative to such licence, certificate or permit; (licence de membre du personnel)

- "powered glider" means a heavier-than-air aircraft, equipped with one or more engines having, with engine inoperative, the characteristics of a glider; (*planeur propulsé*)
- "precision approach" means an instrument approach using azimuth and glide path information provided by an instrument landing system or a precision approach radar; (*approche de précision*)
- "private aircraft" means a civil aircraft, other than a commercial aircraft or a state aircraft; (*aéronef privé*)
- "private airport" means an airport in respect of which a private airport licence has been issued under Part III; (*aéroport privé*)
- "public airport" means an airport in respect of which a public airport licence has been issued under Part III; (*aéroport public*)
- "registered owner" means a person to whom a certificate of registration has been issued; (*propriétaire enregistré*)
- "required visual reference", in respect of an aircraft on an approach to a runway, means that section of the approach area of the runway or those visual aids that, when viewed by the pilot of the aircraft, enable the pilot to make an assessment of the aircraft position and rate of change of position, relative to the nominal flight path; (*référence visuelle requise*)
- "rocket" means a projectile containing its own propellant and depending for its flight upon the reaction set up by the release of a continuous jet of rapidly expanding gases; (*fusée*)
- "rotorcraft" means a power-driven heavier-than-air aircraft supported in flight by the reactions of the air on one or more rotors; (*giravion*)
- "runway visual range" or "RVR", in respect of a runway, means the maximum horizontal distance, as measured by an automated visual landing distance system and reported by an air traffic control unit or a flight service station for the direction of take-off or landing, at which the runway, or the lights or markers delineating it, can be seen from a point above its centre line at a height corresponding to the average eye level of pilots at touchdown; (*portée visuelle de piste or RVR*)
- "RVR 'A' ", in respect of a runway, means RVR detection equipment that is located adjacent to the runway threshold; (*RVR A*)
- "RVR 'B' ", in respect of a runway, means RVR detection equipment that is located adjacent to the runway midpoint; (*RVR B*)
- "serviceable" means, in respect of an aircraft or aircraft part, in a fit and safe state for flight; (*en bon état de service*)
- "special VFR flight" means a visual flight authorized by an air traffic control unit to operate within a control zone under meteorological conditions that are below VFR weather conditions; (*vol VFR spécial*)
- "standard of airworthiness" means, for the design, manufacture or maintenance of an aeronautical product, the description, in terms of a minimum standard, of the properties and attributes of the configuration, material, performance or physical characteristics of that aeronautical product and includes the procedures to ascertain compliance with or to maintain that minimum standard, as set out in the applicable parts of

- (a) the *Airworthiness Manual*, the *Engineering and Inspection Manual*, and the *Federal Aviation Regulations (U.S.)*,
- (b) subject to any modification approved by the Minister pursuant to paragraph (d), the Joint Airworthiness Requirements, JAR-22, Sailplanes and Powered Sailplanes, as amended to and including Amendment 3, effective January 31, 1983, excluding National Variants requirements and ACJ's (Advisory Circulars - Joints), published by the Government of the United Kingdom on behalf of the Airworthiness Authorities Steering Committee,
- (c) subject to any modification approved by the Minister pursuant to paragraph (d), the Aviation Technical Standard Orders referenced in Advisory Circular 20-110B, Appendix 1, Index of Aviation Technical Standard Orders dated April 12, 1984, published by the Federal Aviation Administration of the Government of the United States, and
- (d) in the case of an aeronautical product for which the documents referred to in paragraphs (a), (b) and (c) do not provide the appropriate standard of airworthiness, such standard as the Minister may approve pursuant to subsection 211(1.2); (*norme de navigabilité*)

"state aircraft" means a civil aircraft owned by and exclusively used in the service of Her Majesty in right of Canada or in right of any province; (*aéronef d'État*)

"taking-off", in respect of an aircraft, means the act of abandoning a supporting surface and includes the immediately preceding and following acts and, in respect of an airship or balloon, means the act of freeing the airship or balloon from restraint and includes the immediately preceding and following acts; (*décollage*)

"track" means the projection on the earth's surface of the path of an aircraft, the direction of which path at any point is usually expressed in degrees from North (true, magnetic or grid); (*route*)

"type approval" means a type approval issued by the Minister pursuant to section 214; (*homologation de type*)

"ultra-light aeroplane" means an ultra-light single place aeroplane and an ultra-light two place instructional aeroplane; (*avion ultra-léger*)

"ultra-light single place aeroplane" means a power-driven heavier-than-air aircraft, designed to carry not more than one person, having a launch weight not exceeding 165 kg, and a wing area, expressed in square metres, of not less than the launch weight minus 15 divided by 10 and in no case less than 10 square metres; (*avion ultra-léger monoplace*)

"ultra-light two place instructional aeroplane" means a power-driven heavier-than-air aircraft, designed to carry not more than two persons, having a launch weight not exceeding 195 kg, and a wing area, expressed in square metres, of not less than 10 square metres and a wing loading of not greater than 25 kg/m² calculated using the launch weight plus the occupant weight of 80 kg per person; (*avion ultra-léger biplace d'entraînement*)

"under control" means the state of being manoeuvrable in accordance with these Regulations or the Regulations under the *Canada Shipping Act* for preventing collisions at sea; (*maître de sa manoeuvre*)

- "under way" means the state of being on the surface of the water but not moored or fastened to any fixed object on the land or in the water; (*en marche*)
- "unit toll" means an amount charged for the carriage of an individual passenger or as a fixed rate for baggage, goods, cargo or mail; (*tarif unitaire*)
- "vessel" means any ship, boat or other vessel used for navigation on water; (*navire*)
- "VFR" means the visual flight rules; (*VFR*)
- "VFR flight" means a flight conducted in accordance with the visual flight rules; (*vol VFR*)
- "VFR weather conditions" means weather conditions equal to or above the minima prescribed pursuant to section 543; (*conditions atmosphériques VFR*)
- "visibility" means the distance at which prominent unlighted objects may be identified by day and prominent lighted objects may be identified by night; (*visibilité*)
- "visual flight rules" means the rules set forth in Division III of Part V of these Regulations and in the orders made by the Minister thereunder. (*règles de vol à vue*)

(2) For the purposes of these Regulations,

- (a) the word "Minister" shall be substituted for the word "Administrator" wherever it appears in the *Federal Aviation Regulations (U.S.)*;
- (b) the definitions contained in Part I of the *Federal Aviation Regulations* published by the Government of the United States apply to terms used in the *Federal Aviation Regulations (U.S.)*; and
- (c) a reference in the *Federal Aviation Regulations (U.S.)* to any part of the *Federal Aviation Regulations* published by the Government of the United States other than the *Federal Aviation Regulations (U.S.)* shall be disregarded.

(3) For the purposes of the English version of these Regulations, the words "glider" and "powered glider" shall be substituted for the words "sailplane" and "powered sailplane" respectively wherever they appear in the document referred to in paragraph (b) of the definition "standard of airworthiness" in subsection (1).

APPLICATION

102. (1) Revoked.
- (2) These Regulations do not apply to
- (a) a military aircraft of Her Majesty when manoeuvring under the authority of the Minister of National Defence; or
 - (b) military aircraft of a country other than Canada, to the extent that the Minister of National Defence has specifically exempted any such aircraft from the application of these Regulations.
- (3) Revoked.
- (4) Revoked.
103. For the purpose of these Regulations, a state aircraft shall be deemed to be a commercial aircraft.
104. The Minister may make orders or directions prescribing standards for the supervision and control of aeronautics and conditions under which aircraft may be operated and, without restricting the generality of the foregoing, may make orders prescribing standards and conditions
- (a) for the registration and identification of aircraft;
 - (b) for the certification and inspection of aircraft;
 - (c) for the physical and associated characteristics of, and the equipment used at, aerodromes;
 - (d) for the licensing of flight crews, air traffic control officers and aircraft maintenance personnel;
 - (e) governing the conduct of visual and instrument flights;
 - (f) for the establishment and operation of air traffic control, flight information and alerting services;
 - (g) that will ensure in similar operations throughout the world a level of safety above a prescribed minimum;
 - (h) that will ensure uniformity in the notification, investigation and reporting of aircraft accidents;
 - (i) for the dissemination of meteorological information for aircraft operations;
 - (j) for a dimensional system for all air navigation and air traffic control purposes;
 - (k) for the standardization of communications equipment and systems and of communications procedures used in air navigation; and
 - (l) for the collection, publication and dissemination of aeronautical information required for air navigation and aircraft operations.

PART II
REGISTRATION, AIRWORTHINESS CERTIFICATION AND MARKINGS

DIVISION I

AIRCRAFT REGISTRATION

REVOKED IN SOR/DORS/90-593.



PART II

AIRCRAFT AIRWORTHINESS

210. (1) No person shall fly or attempt to fly an aircraft, other than a hang glider or an ultra-light aeroplane, unless there is in force in respect of that aircraft

- (a) a certificate of airworthiness issued under this Part or under the laws of the country in which the aircraft is registered,
- (b) a flight permit issued under this Part, or
- (c) in the case of an aircraft that is registered in a country other than Canada and in respect of which there is in force a restricted certificate of airworthiness or equivalent flight authority issued by the country of registry, a validation for flight in Canada issued by the Minister

and unless all conditions upon which the certificate of airworthiness, the flight permit or the validation for flight was issued are complied with.

211. (1) The Minister may cause to be published an Airworthiness Manual and an Engineering and Inspection Manual containing standards of airworthiness.

(1.1) In the case of a conflict

- (a) between the Federal Aviation Regulations (U.S.) and either Manual referred to in subsection (1), the Manual shall prevail; and
- (b) between the Airworthiness Manual and the Engineering and Inspection Manual, the Airworthiness Manual shall prevail.

(1.2) Where the documents referred to in paragraphs (a), (b) and (c) of the definition "standard of airworthiness" do not provide an appropriate standard of airworthiness for an aeronautical product, the Minister may, on request, approve an appropriate standard for that product that will ensure that any aeronautical product conforming to that standard will be airworthy.

(2) The Minister shall, on being satisfied that an aircraft conforms to the applicable standards of airworthiness or is of a design in respect of which a type approval has been issued and is still current, issue a certificate of airworthiness in respect of that aircraft.

(2.1) The Minister shall, on being satisfied that an aeronautical product being exported conforms to the applicable standards of airworthiness or is of a design in respect of which a type approval has been issued and is still current, certify that aeronautical product as airworthy.

(2.2) The Minister shall, on being satisfied that a component being exported that is to be incorporated into an aeronautical product that is of a design in respect of which a type approval has been issued and is still current conforms to the applicable standards of airworthiness for that aeronautical design, certify that component as airworthy.

(3) The Minister may designate any aircraft as an amateur built aircraft where, by reason of its particular design and construction, it meets the requirements set out in the Engineering and Inspection Manual.

(4) The Minister may in respect of an amateur built aircraft or a private aircraft, other than a hang glider or an ultra-light aeroplane, issue a flight permit in a form prescribed by him and make directions concerning equipment, weight, instruments and any other matters relating to the operation of such aircraft.

(5) Where an aircraft is to be operated for purposes of experiment, test, demonstration or other special flight, the Minister may issue a flight permit in respect of that aircraft in a form prescribed by him.

(6) A certificate of airworthiness or flight permit issued under this Part shall contain such conditions relating to the equipment, maintenance and operation of the aircraft as may be prescribed by the Minister, and the conditions so prescribed may be amended at any time by the Minister.

| (7) Revoked.

| 212. Revoked.

| 213. Revoked.

214. (1) Where the Minister receives an application for a type approval of an aeronautical product design, he shall, if within the period of time specified in the applicable standards of airworthiness he is satisfied that the aeronautical product design conforms to those standards, grant a type approval for that design.

(2) Subject to subsection (3), the "applicable standards of airworthiness" means, for the purpose of subsection (1), the applicable standards of airworthiness that are in force at the time the application for a type approval is made.

- (3) For the purpose of subsection (1),
- (a) where no applicable standards are in force at the time the application is made,
 - (b) where a document equivalent to a type approval has been issued in respect of a design by or under the authority of a government other than the Government of Canada based on standards different from the standards of airworthiness in force at the time the application is made, or

(c) where the application is made with respect to the design of an aeronautical product used by the Canadian Department of National Defence,
 "applicable standards of airworthiness" means such standards of airworthiness as the Minister may approve.

214.1 Revoked.

215. The Minister may make orders with respect to the times when a certificate of airworthiness or a flight permit is or is not in force.

216. (1) The Minister may make orders

- (a) prescribing standards for flight instrument and equipment systems necessary for the safe operation of any aircraft during VFR flight or IFR flight whether by day or by night; and
- (b) for the installation of such systems.

(2) No person shall operate any aircraft unless it is equipped with approved, serviceable and functioning flight instrument systems sufficient to enable the flight crew members to

- (a) control the flight path of the aircraft;
- (b) carry out any required manoeuvre; and
- (c) observe the operating limitations of the aircraft.

217. The Minister may make orders prescribing such requirements in respect of the equipment and maintenance of any aircraft as he considers necessary by reason of the conditions under which the aircraft is operated.

218. No person shall fly or attempt to fly any aircraft unless

- (a) the weight of the aircraft and its load does not exceed the maximum permissible weight specified in the certificate of airworthiness or flight permit;
- (b) the load is properly disposed in accordance with the conditions of the certificate of airworthiness or flight permit;
- (c) the equipment and any cargo carried are secured so as to prevent shifting in flight and are not so placed as to block or restrict the exit of passengers in an emergency;
- (d) the required emergency equipment is carried on board and is in good condition; and
- (e) the aircraft is safe and fit in all respects for the intended flight.

219. Revoked.

| 220. Repealed.

221. No person shall certify an aeronautical product or a component as airworthy or serviceable, or certify an aircraft as released for return to service, unless the applicable standards of airworthiness have been complied with.

| 222. (1) The registered owner of a Canadian aircraft, other than an ultra-light aeroplane, shall provide to the Minister an Annual Airworthiness Information Report in the form set out in Chapter 507 of the *Airworthiness Manual*, as amended from time to time.

(2) The Annual Airworthiness Information Report shall be provided to the Minister
no later than

- (a) on the anniversary date of the issuance of the certificate of airworthiness or flight permit in respect of the aircraft; or
- (b) on such other date as is mutually agreed to by the registered owner and the Minister, as the circumstances require.

NATIONALITY AND REGISTRATION MARKS

REVOKED IN SOR/DORS/90-593

PART III
AERODROMES

- | | |
|------|-----------|
| 300. | Repealed. |
| 301. | Repealed. |
| 302. | Repealed. |
| 303. | Repealed. |
| 304. | Repealed. |
| 305. | Repealed. |
| 306. | Repealed. |
| 307. | Repealed. |
| 308. | Revoked. |

309. Repealed.

310. Repealed.

311. The Minister may make orders

- (a) prescribing the marks and lights to be displayed by day and by night at any aerodrome;
- (b) prescribing or approving the fees that may be charged for the use of any airport or its facilities; and
- (c) prescribing such other conditions as he deems necessary respecting the operation of any aerodrome.

312. Repealed.

313. Repealed.

313.1 Repealed.

314. Repealed.

315. Revoked.

316. The Minister may make orders for controlling noise levels of aircraft at or in the vicinity of aerodromes and for that purpose may make orders providing for the issuance, approval, cancellation and suspension of certificates of noise compliance.

PART IV

PERSONNEL LICENSING

400. Except as provided in this Part, no person shall fly or attempt to fly as a flight crew member of an aircraft, other than a hang glider, unless he is the holder of a personnel licence or permit appropriate to his duties issued under this Part.

401. Except as otherwise directed by the Minister, a person is entitled to fly as a flight crew member of an aircraft registered in a contracting state only if

- (a) he is the holder of a personnel licence or permit appropriate to his duties issued under this Part or issued or validated under the laws of the state in which the aircraft is registered; and
- (b) he is not a person who has been refused an equivalent Canadian licence.

402. The Minister may make orders prescribing that no person shall perform or attempt to perform duties, other than duties of a flight crew member, of a kind specified by the Minister, that affect or may affect the safety of any aircraft, unless that person is the holder of a personnel licence appropriate to his duties, issued under this Part.

403. (1) Subject to subsection (2), the Minister may make orders that prescribe

- (a) the classes of licences and permits that may be issued under this Part;
- (b) the duties and functions that may be carried out by the holder of a licence or permit of any class;
- (c) the category, class or type of aircraft and the types of aircraft operations in which the privileges attaching to a licence or permit of a flight crew member may be exercised;
- (d) the qualifications as to age, medical fitness, knowledge, training, experience, skill and competency of persons to whom a licence or permit may be issued under this Part;
- (e) the nature of the examinations or tests to be undergone and the information to be submitted by any person applying to have a licence or permit issued, renewed or validated or to have the conditions or privileges attaching to a licence or permit varied; and
- (f) such other conditions and limitations as the Minister considers advisable that affect the privileges or conditions attaching to a licence or permit issued under this Part.

- (2) Every person applying for the issue of a licence to act as
- (a) a flight crew member;
 - (b) an aircraft maintenance engineer; or
 - (c) an air traffic controller

shall comply with the requirements applicable to that licence that are set out in Volumes 1, 2 and 3 of the *Personnel Licensing Handbook* published, as amended from time to time, by the Minister of Supply and Services.

(3) Every person providing training to an applicant for the issue of a licence to act as a flight crew member shall comply with the requirements for training that are set out in Volume 1 of the *Personnel Licensing Handbook* published, as amended from time to time, by the Minister of Supply and Services.

404. The Minister may, upon being satisfied as to the qualifications of any applicant,
- (a) issue to the applicant a licence or permit appropriate to his qualifications, in a form prescribed by the Minister;
 - (b) issue to the applicant a document, in a form prescribed by the Minister, rendering valid any licence appropriate to the qualifications of the applicant held by the applicant under the laws of a contracting state or a country that is a party to an agreement entered into with Canada relating to interstate flying; or
 - (c) enter on any licence or permit held by the applicant an endorsement extending to the applicant the privilege of performing additional duties or functions appropriate to his qualifications.

405. Revoked.

406. A licence or permit issued or an endorsement thereon entered under this Part or a document validating any such licence or permit may contain such conditions as the Minister prescribes, and the conditions may be amended at any time by the Minister.

| 407. Repealed.

408. No person shall fly or attempt to fly as a flight crew member of an aircraft, or otherwise act or attempt to act in the capacity in which a licence issued or validated under this Part or a permit issued under this Part entitles him to act,

- (a) if he is aware that he is under any physical disability that might render him unable to meet the requirements as to physical condition for the issue or renewal of the licence or permit;

- (b) during any period for which his permit or licence or the document validating his licence has been suspended; or
- (c) after his permit or licence or the document validating his licence has been cancelled or has expired.

409.

- No person shall act as a crew member of an aircraft
 - (a) within 8 hours after the consumption of any alcoholic beverage;
 - (b) while under the influence of alcohol; or
 - (c) while using any drug that affects his faculties to an extent that the safety of the aircraft is endangered in any way.

410. (1) The Minister may, in respect of the operation of aircraft, make orders prescribing flight time limitations and rest periods for flight crew members.

(2) A flight crew member who reaches a flight time limitation prescribed pursuant to subsection (1) shall be deemed to be fatigued, and shall not continue on flight duty or be re-assigned to flight duty until such time as he has had the rest period prescribed pursuant to subsection (1).

411. No person shall act as a flight crew member and no operator shall require any person to act as a flight crew member if either the person or the operator has any reason to believe, having regard to the circumstances of the particular flight to be undertaken, that the person

- (a) is suffering from or is likely to suffer fatigue; or
- (b) would be otherwise unfit to properly perform his duties.

PART V
RULES OF THE AIR
DIVISION I
COMPLIANCE

500. The pilot-in-command of a Canadian aircraft shall, where such aircraft is in flight over the high seas, comply with the Rules of the Air in Annex 2 of the Convention and any supplementary procedures prescribed by the International Civil Aviation Organization in Document 7030.

500.1 (1) The Minister may make orders prescribing procedures and requirements for the operation of aircraft in specified areas.

(2) Revoked.

DIVISION II
GENERAL RULES

501. No person shall fly an aircraft except in accordance with VFR or IFR or in accordance with such conditions as the Minister may by order prescribe.

502. Revoked.

503. Revoked.

504. The Minister may by order prescribe the conditions, including minimum weather conditions, under which special VFR flights may be conducted without complying with IFR.

505. Prior to the commencement of any flight, the pilot-in-command of an aircraft shall familiarize himself with all available information appropriate to the intended flight.

506. The pilot-in-command of an aircraft shall

- (a) comply with and acknowledge receipt of all air traffic control instructions directed to and received by him; and
- (b) comply with all air traffic control clearances received and accepted by him, and
 - (i) in the case of an IFR flight, read back the text of any air traffic control clearance received, and
 - (ii) in the case of a VFR flight, read back the text of any air traffic control clearance received when so requested by the appropriate air traffic control unit.

507. Where the Minister prescribes by order that instrument flight rules apply, the pilot-in-command of an aircraft flown within controlled airspace shall comply with the instrument flight rules.

508. No person shall create a hazard to persons or property on the ground or water by dropping anything from an aircraft in flight.

509. The Minister may make orders prohibiting or restricting the navigation of aircraft over such areas as are specified by the Minister, either absolutely or subject to such exceptions or conditions as may be specified by the Minister.

510. No object shall be towed by any aircraft, except in accordance with such conditions as may be specified by the Minister.

511. No person shall release an unmanned free balloon having a gas carrying capacity of more than 115 cubic feet except with the permission of the Minister and subject to such terms and conditions as may be specified by the Minister.

512. No person shall fly a model aircraft within 5 miles from the centre of any control zone or aerodrome traffic zone, as set out in the *Designated Airspace Handbook* in a manner that creates or is likely to create a hazard to aircraft.

513. No person shall launch a rocket of any type or kind from any place in Canada without the written authorization of the Minister, except

- (a) a model rocket; or
- (b) a rocket of a type used in a fireworks display.

514. Notwithstanding paragraph 513(a), no person shall launch a model rocket

- (a) within 5 nautical miles from the centre of any airport;
- (b) in any manner that creates or is likely to create a hazard to aircraft;
- (c) in any manner that creates or is likely to create a hazard to persons or property on the ground;
- (d) into any cloud; and
- (e) unless a responsible adult is present to supervise the launching.

514.1 (1) The Minister may prescribe standards for the marking and lighting of buildings, structures and objects, including objects of natural growth, that constitute a hazard to air navigation.

(2) The Minister may cause to be published and maintained a *Standards Obstruction Markings Manual* in which the standards prescribed pursuant to subsection (1) are set out.

(3) Where the Minister has reason to believe that a building, structure or object, including an object of natural growth, constitutes a hazard to air navigation because of its height and location, the Minister may, by order, direct the owner or other person in possession or control of the said building, structure or object to mark and light such building, structure or object in accordance with the standards prescribed in the *Standards Obstruction Markings Manual*.

515. Parachute descents, other than emergency descents, shall not be made

- (a) in controlled airspace or within any air route designated as such by the Minister except in accordance with the written authorization of the Minister; or

- (b) over the built-up areas of any city, town or other settlement, or over an open air assembly of persons except in accordance with the written authorization of the Minister.
- (c) Revoked.

516. Except as otherwise authorized by the Minister, no person shall

- (a) enter or attempt to enter any aircraft in flight or leave or attempt to leave any aircraft in flight except for the purpose of making a parachute descent; or
- (b) give, upon any aircraft in flight, any gymnastic or other like exhibition.

517. No aircraft shall be flown in any acrobatic flight

- (a) so as to endanger or be likely to endanger air traffic in the vicinity of the aircraft;
- (b) over any urban or other populous areas; or
- (c) in controlled airspace or within any air route designated as such by the Minister except in accordance with the written authorization of the Minister.

518. No aircraft shall be flown in any acrobatic flight or exhibition flight over any assembly of persons except in accordance with the written authorization of the Minister.

519. No person in any aircraft shall execute any acrobatic flying unless he is the sole occupant of the aircraft or is a flying instructor authorized in accordance with these Regulations to engage in giving dual flying instructions.

520. (1) No aircraft shall be operated in such a negligent or reckless manner as to endanger or be likely to endanger the life or property of any person.

(2) Subject to subsection (3), no person shall fly an aircraft in such a manner as to create a shock wave or sonic boom, the effect of which may imperil the safety of other aircraft, be injurious to persons or animals or cause damage to property.

(3) The Minister may make orders with respect to the operation of aircraft in sonic or supersonic flight.

521. The pilot-in-command of an aircraft operated on or in the vicinity of an aerodrome shall

- (a) observe other aerodrome traffic for the purpose of avoiding collision;
- (b) conform with or avoid the pattern of traffic formed by other aircraft in operation;

- (c) conform to any applicable provisions of the *Aircraft Noise Operating Restrictions Order* and any applicable noise control procedures approved by the Minister;
- (d) make all turns to the left, when approaching for a landing and after taking off, unless otherwise directed by the Minister or unless an air traffic control unit has authorized a turn or partial turn to the right when desirable in specific instances;
- (e) land and take off, insofar as practicable, into the wind unless otherwise authorized by the appropriate air traffic control unit;
- (f) maintain a continuous watch on the radio frequencies designated for airport control communications or, if such continuous watch is not possible, keep a watch for such instructions as may be issued by visual means in any case where an air traffic control unit is in operation; and
- (g) where the aerodrome is a controlled airport, obtain from the appropriate air traffic control unit, either by radio or visual signal, clearance for his movements, including clearance to take off from or land at the airport.

521.1 Before taking off from, landing at or otherwise operating an aircraft at an aerodrome, the pilot-in-command of the aircraft shall, in so far as is practicable, satisfy himself of the suitability of the aerodrome for the intended operations.

522. No person shall fly an aircraft at a height of less than 2,000 feet over an aerodrome except for the purpose of landing or taking off except as otherwise directed by an air traffic control unit.

523. No aircraft shall be flown in such proximity to any other aircraft as to create a collision hazard.

524. No aircraft shall be flown in formation except by pre-arrangement between the pilots-in-command of such aircraft and, within any control zone, between the pilots-in-command of such aircraft and the appropriate air traffic control unit.

525. When two aircraft are converging at approximately the same altitude, the aircraft that has the other on its right shall give way, except as follows:

- (a) a power-driven heavier-than-air aircraft shall give way to airships, gliders and balloons;
- (b) an airship shall give way to gliders and balloons;
- (c) a glider shall give way to balloons; and
- (d) a power-driven aircraft shall give way to aircraft that are seen to be towing aircraft or other objects.

526. (1) Where an aircraft has the right-of-way, the pilot-in-command shall maintain its heading and speed, but nothing in this Part relieves the pilot-in-command of any aircraft from the responsibility of taking such action as is necessary to avoid collision.

(2) Where any aircraft is required to keep out of the way of another aircraft, the pilot-in-command shall avoid passing over or under, or crossing ahead of the other aircraft unless passing or crossing well clear of it.

527. When two aircraft are approaching head-on or approximately so and there is danger of collision, the pilot of each aircraft shall alter the heading of his aircraft to the right.

528. An aircraft that is being overtaken has the right-of-way and the overtaking aircraft, whether climbing, descending or in horizontal flight, shall keep out of the way of the other aircraft by altering its heading to the right and no subsequent change in the relative positions of the two aircraft shall absolve the overtaking aircraft from the obligation so to alter its heading until it has entirely passed and is clear of the other aircraft.

529. Where an aircraft is in flight or manoeuvring on the ground or water, the pilot-in-command shall give way to other aircraft landing or about to land.

530. (1) Where two or more power-driven heavier-than-air aircraft are approaching an aerodrome for the purpose of landing, the pilot-in-command of the aircraft at the higher altitude shall give way to aircraft at the lower altitude, but the pilot-in-command of the latter shall not take advantage of this requirement to manoeuvre in front of or to overtake another aircraft that is about to land.

(2) Where two or more motorless heavier-than-air aircraft are approaching an aerodrome for the purpose of landing, the pilot-in-command of the aircraft at the higher altitude shall give way to aircraft at the lower altitude, but the pilot-in-command of the latter shall not take advantage of this requirement to manoeuvre in front of or to overtake another aircraft that is about to land.

(3) Where a power-driven heavier-than-air aircraft and a motorless heavier-than-air aircraft are approaching an aerodrome for the purpose of landing, the pilot-in-command of the power-driven heavier-than-air aircraft shall give way to the motorless heavier-than-air aircraft.

531. No person shall take off or attempt to take off in an aircraft until such time as there is no apparent risk of collision with any other aircraft.

532. Where the pilot-in-command of an aircraft is aware that another aircraft is compelled to land, he shall give way to that other aircraft.

533. Repealed.

534. (1) In this section,
"police authority" means the Royal Canadian Mounted Police, Ontario Provincial Police, Sûreté du Québec, Canadian Coast Guard or any municipal or regional police force established pursuant to provincial or territorial legislation; and

"special purpose operation" means an operation in which

- (a) an aircraft is flown for the purpose of spraying, dusting, seeding, crop fertilizing, inspection of crops or livestock, pipeline or powerline patrolling, or any operation of a similar nature, rotorcraft external load operations, pilot training conducted by or under the supervision of a qualified flight instructor, or
- (b) a commercial aircraft is flown for the purposes of the execution, by an air carrier, of aerial photography, aerial survey, or any operation of a similar nature. (*travail aérien spécialisé*)

(2) Except as provided in subsections (4), (5) and (6), or except in accordance with an authorization issued by the Minister, unless he is taking off, landing or attempting to land, no person shall fly an aircraft

- (a) over the built-up area of any city, town or other settlement or over any open air assembly of persons except at an altitude that will permit, in the event of an emergency, the landing of the aircraft without creating a hazard to persons or property on the surface of the earth, and such altitude shall not in any case be less than 1,000 feet above the highest obstacle within a radius of 2,000 feet from the aircraft; or
- (b) elsewhere than over the built-up area of any city, town or other settlement or over any open air assembly of persons at an altitude less than 500 feet above the highest obstacle within a radius of 500 feet from the aircraft.

(3) For the purposes of subsection (2), an aircraft shall be deemed to be over the built-up area of any city, town or other settlement or over any open air assembly of persons where that built-up area or open air assembly of persons is within a radius of 2,000 feet from the aircraft.

(4) A person may fly an aircraft at an altitude lower than those specified in subsection (2), but not lower than is necessary for the purpose of the operation in which the aircraft is engaged, where the flight is conducted without creating a hazard to persons or property on the surface of the earth, and

- (a) the aircraft is operated in the service of a police authority within the geographic jurisdiction of the government that established that police authority;
- (b) the flight is necessary for the purpose of saving human life;
- (c) the aircraft is flown for firefighting or air ambulance operations;
- (d) the flight is conducted under the authority of the Minister of Fisheries and Oceans for the purpose of the administration of the *Fisheries Act* or the *Coastal Fisheries Protection Act*;
- (e) the flight is conducted under the authority of the Minister, as defined in Section 2 of the *National Parks Act*, for the purpose of the administration of that Act; or
- (f) the flight is conducted under the authority of the minister responsible for provincial parks in a province for the purpose of the administration of those parks.

- (5) A person may fly an aircraft at a lower altitude than that specified in paragraph (2)(b) where
- (a) the flight is conducted without creating a hazard to persons or property; and
 - (b) the aircraft is flown in a special purpose operation of a nature that necessitates the flight of the aircraft at such lower altitude.

- (6) A person may, over non populous areas or over open water, fly an aircraft at a lower altitude than that specified in paragraph (2)(b) where
- (a) the flight is conducted without creating a hazard to persons or property; and
 - (b) except for an aircraft operated in accordance with subsection (4) or (5), the aircraft is not flown at a distance less than 500 feet from any person, vessel, vehicle or structure.

- (7) Except in accordance with an authorization issued by the Minister, no person shall cause any aircraft to take off or attempt to take off from, land on or attempt to land on, any surface within the built-up area of any city or town unless
- (a) that surface is an airport or a military aerodrome;
 - (b) the aircraft is operated in the service of a police authority within the geographic jurisdiction of the government that established that police authority; or
 - (c) the take-off or landing is necessary for the purpose of saving human life.

535. The Minister may make orders with respect to cruising altitudes and altimeter settings.

536. (1) Repealed.

(2) Where an aircraft on the water has another aircraft or a vessel on its right, the pilot-in-command of the first mentioned aircraft shall give way.

(3) Where an aircraft on the water is approaching another aircraft or a vessel head-on, or approximately so, the pilot-in-command of the first mentioned aircraft shall alter its heading to the right.

(4) An aircraft or a vessel on the water that is being overtaken has the right-of-way and the pilot-in-command of the overtaking aircraft shall alter its heading to keep well clear.

(5) The pilot-in-command of an aircraft landing on or taking off from the water shall ensure that the landing or take-off path is clear of all vessels and aircraft.

537. The Minister may by order

- (a) require any person who intends to commence a flight or who is conducting a flight to submit to such persons as may be specified in the order a flight plan, flight notification or other information related to the flight and

- (b) prescribe the standards for flight plans, flight notifications and other information required to be submitted and the procedures for their submission.

538. No person shall knowingly submit any flight plan, flight notification or other information required to be submitted by an order of the Minister under section 537 that contains any false or misleading statement or matter, or that is calculated to deceive any person to whom it is so required to be submitted.

539. Except as authorized by the Minister, no person shall operate, on a commercial air service over water beyond gliding distance from shore, a single-engined landplane or multi-engined landplane that is unable to maintain flight in the event of failure of the critical engine.

540. Except as authorized by the Minister, no person shall commence, in any single-engined aircraft or in any multi-engined aircraft that is unable to maintain flight in the event of failure of its critical engine, a flight that is intended to be a trans-oceanic flight.

540.1 No operator of an aircraft shall permit the fuelling of the aircraft while an engine used for the propulsion of the aircraft is operating if passengers are on board or are entering or leaving the aircraft.

540.2 (1) In this section, "critical surfaces" means the wings, control surfaces, rotors, propellers, horizontal stabilizers, vertical stabilizers or any other stabilizing surface of an aircraft and, in the case of an aircraft that has rear-mounted engines, includes the upper surface of its fuselage.

(2) No person shall take off or attempt to take off in an aircraft that has frost, ice or snow adhering to any of its critical surfaces.

(3) Notwithstanding subsection (2), a person may take off in an aircraft that has frost, caused by cold-soaked fuel, adhering to the underside of its wings if the take-off is conducted in accordance with the aircraft manufacturer's instructions for take-off under those conditions.

(4) Where conditions are such that frost, ice or snow may reasonably be expected to adhere to the aircraft, no person shall take off or attempt to take off in an aircraft unless

- (a) the aircraft has been inspected immediately prior to take-off to determine whether any frost, ice or snow is adhering to any of its critical surfaces; or
- (b) the operator has established a program in accordance with the standards specified in the *Ground Icing Operations Standard*, as amended from time to time, and the dispatch and take-off of the aircraft comply with that program.

(5) In the case of an aircraft that is being operated in accordance with the *Air Carriers Using Large Aeroplanes Order*, the inspection referred to in paragraph 4(a) shall be performed from outside the aircraft.

(6) The inspection referred to in paragraph 4(a) and subsection (5) shall be performed by

- (a) the pilot-in-command;
 - (b) a flight crew member of the aircraft who is designated by the pilot-in-command;
- or

- (c) a person, other than a person referred to in paragraph (a) or (b), who
 - (i) is designated by the operator of the aircraft, and
 - (ii) has received the training concerning surface contamination that is required by the *Air Carriers Using Large Aeroplanes Order*, the *Air Carriers Using Small Aeroplanes Order* or the *Rotorcraft Air Transport Operations Order*.

(7) Where, before commencing take-off, a crew member of an aircraft observes that there is frost, ice or snow adhering to the wings of the aircraft, the crew member shall immediately report that observation to the pilot-in-command, and the pilot-in-command or a flight crew member designated by the pilot-in-command shall inspect the wings of the aircraft before take-off.

(8) No person shall take off in an aircraft or continue a flight in an aircraft where icing conditions are reported to exist or are forecast to be encountered along the flight route unless the pilot-in-command or any other person exercising operational control over the flight determines that the aircraft is adequately equipped to operate in those conditions, in accordance with the standards of airworthiness under which the aircraft type approval or equivalent document was issued.

DIVISION III

VISUAL FLIGHT RULES (VFR)

541. In controlled airspace no flight being made in accordance with the visual flight rules shall be continued in accordance with the instrument flight rules except with authority of appropriate air traffic control unit.

542. When operated in accordance with VFR, aircraft shall be flown with visual reference to the ground or water unless otherwise authorized by the appropriate air traffic control unit in accordance with any orders that may be made by the Minister.

543. VFR flights shall be made in accordance with such weather minima as the Minister may by order prescribe for such flights.

544. The amount of fuel and oil carried on board any aircraft, other than a glider, a hang glider, a balloon or an ultra-light aeroplane, at the commencement of any VFR flight shall be sufficient, taking into account anticipated wind and other weather conditions, to fly to the place of intended landing and thereafter

- (a) in the case of an aircraft other than a helicopter, for 45 minutes at normal cruising speed; and
- (b) in the case of a helicopter, for 20 minutes at normal cruising speed.

545. No aircraft shall be flown under simulated instrument flight conditions unless

- (a) the aircraft is equipped with fully functioning dual controls;
- (b) a competent pilot is occupying a control seat to act as safety pilot; and
- (c) the safety pilot
 - (i) has adequate vision forward and to each side of the aircraft, or
 - (ii) is in communication with a competent observer occupying a position in the aircraft from which his field of vision adequately supplements the vision of the safety pilot.

DIVISION IV

INSTRUMENT FLIGHT RULES (IFR)

546. For the purposes of any IFR flight,
- (a) the pilot of the aircraft shall possess such special qualifications as may be prescribed by order of the Minister; and
 - (b) the aircraft shall be equipped with such instruments and radio apparatus as may be prescribed by order of the Minister.
547. (1) Prior to taking off from any point within and prior to entering any controlled airspace during IFR flight or during IFR weather conditions, a flight plan for the flight containing such information as may be specified by the Minister shall be submitted by the pilot-in-command of the aircraft to the appropriate air traffic control unit.
- (2) Except as otherwise authorized by the Minister, no IFR flight shall be made in controlled airspace unless the flight plan, as submitted, includes an alternate airport having a landing area suitable for use by that aircraft.
- (3) A particular alternate airport shall be included in the flight plan only when current forecasts show a trend indicating that the ceiling and visibility at that alternate airport will, at the expected time of arrival, be at or above such minima as may be specified by the Minister.
548. (1) The pilot-in-command of an aircraft that is in IFR flight or IFR weather conditions shall
- (a) prior to entering or taking off from a point within a controlled airspace, ensure that an air traffic control clearance based on the flight plan filed for the flight is obtained;
 - (b) ensure that the aircraft is flown in accordance with the air traffic control clearance; and
 - (c) where the aircraft makes an approach to an aerodrome or a runway, ensure that the approach is made in accordance with the instrument approach procedure, unless otherwise authorized by the appropriate air traffic control unit.
- (2) No deviations shall be made from the requirements of any air traffic control clearance except in an emergency that necessitates immediate action, in which case, as soon as possible after any action has been taken in connection with such emergency, the pilot-in-command of the aircraft shall inform the appropriate air traffic control unit of the deviation and, if necessary, obtain an amended clearance.
549. (1) Subject to subsection (2), no aircraft shall be flown in accordance with the instrument flight rules within controlled airspace unless a continuous listening watch is maintained on the appropriate radio frequency of the air traffic control unit concerned and two-way communication is established therewith.
- (2) Where he is unable to maintain two-way radio communication as required by subsection (1), the pilot-in-command of the aircraft shall comply with such alternative procedures as may be directed by the Minister.

550. (1) During IFR flight, position reports to the appropriate air traffic control unit shall be made over such reporting points as are designated by the Minister and over such other reporting points as are specified by the appropriate air traffic control unit.

(2) Where no reporting points for IFR flight are designated by the Minister, position reports during IFR flight shall be made to the appropriate air traffic control unit at such intervals and at such locations as are specified by such unit.

(3) All position reports required by subsection (1) and (2) shall contain such information and shall be made in such manner as the Minister may direct.

551. Except as authorized by the Minister, no IFR flight shall be commenced unless sufficient fuel and oil are carried, taking into account wind and other anticipated meteorological conditions, to fly to the airport of intended landing, thence to an alternate airport and thereafter for 45 minutes at normal cruising speed.

552. Where there are indications that traffic delays may be encountered, such quantities of fuel and oil as may be necessary, in addition to the minima required by this Division, shall be carried to meet such conditions.

553. Except when taking off or landing, or as specifically authorized by the Minister, aircraft in IFR flight shall be flown at altitudes of at least 1,000 feet above the highest obstacle located within a horizontal radius of 5 miles from the estimated position of the aircraft in flight, but the Minister may direct that flights over any area specified by him shall be conducted at such higher minima altitude as may be specified by him.

554. (1) The Minister may establish standard procedures for air operations at specific aerodromes, which procedures may be published in a document entitled the Canada Air Pilot.

(2) The instrument approach procedures established under subsection (1) shall specify and authorize

- (a) the minimum altitudes to which a pilot-in-command may descend during an approach to a landing;
- (b) the minimum visibility in which any pilot-in-command may conduct a landing or a take-off;
- (c) missed approach procedures to be followed by a pilot-in-command when a landing cannot be accomplished;
- (d) the tracks and altitudes to be followed in the conduct of the approach and the missed approach procedures;
- (e) noise abatement procedures and noise control requirements; and
- (f) such other information as the Minister may direct.

555. (1) No pilot-in-command of an aircraft shall permit the aircraft to take off from a runway if the take-off visibility for the runway, as determined in accordance with subsection (2), is below the minimum visibility for the runway specified in

- (a) the operations specifications for the operator of the aircraft where the operator is an air carrier;
- (b) the operations manual of the operator of the aircraft where the manual is required under the Private Aeroplanes Passenger Transportation Order;
- (c) the operations manual, or equivalent document, issued by the state of the operator of the aircraft and accepted by the Minister; or
- (d) the Canada Air Pilot, in any case other than a case described in paragraph (a), (b) or (c).

- (2) For the purposes of subsection (1), the take-off visibility for a runway is the RVR of the runway, unless the RVR is
- (a)
 - (i) fluctuating rapidly above and below the minimum visibility for the runway as specified in a manual or other document under paragraphs (1)(a) to (d),
 - (ii) less than the minimum visibility referred to in subparagraph (i) because of a localized phenomenon, or
 - (iii) not reported by an air traffic control unit or a flight service station;
 - (b) the ground visibility of the aerodrome for the runway, if
 - (i) the RVR is as described in subparagraph (a)(i), (ii) or (iii), and
 - (ii) the ground visibility of the aerodrome is reported as set out in the definition "ground visibility"; or
 - (c) the visibility for the runway as observed by the pilot-in-command, if
 - (i) the RVR is as described in subparagraph (a)(i), (ii) or (iii), and
 - (ii) the ground visibility of the aerodrome is not reported as described in subparagraph (b)(ii).

(3) The pilot-in-command of an aircraft shall ensure that, while on a precision approach or a non-precision approach, the aircraft does not descend below the decision height or the minimum descent altitude, as appropriate, unless the required visual reference necessary to continue the approach to land has been established.

(4) Where an aircraft is on an instrument approach to a runway and the required visual reference of the runway cannot be established, the pilot-in-command shall ensure that a missed approach procedure is initiated.

(5) With respect to an aeroplane, for the purposes of subsections (7), (8) and (9), the RVR for a runway is below the minimum RVR if

- (a) the RVR, as measured by RVR 'A', is less than 1,200 feet;
- (b) the RVR, as measured by RVR 'B', is less than 700 feet, where the RVR has also been measured by RVR 'A'; or
- (c) the RVR, as measured by RVR 'B', is less than 1,200 feet, where the RVR has not been measured by RVR 'A'.

(6) With respect to a rotorcraft, for the purposes of subsections (7), (8) and (9), the RVR for a runway is below the minimum RVR if

- (a) the RVR, as measured by RVR 'A', is less than 1,200 feet; or
- (b) the RVR, as measured by RVR 'B', is less than 1,200 feet, where the RVR has not been measured by RVR 'A'.

(7) Where the RVR for a runway is reported below the minimum RVR, the pilot-in-command of an IFR aircraft on an instrument approach to the runway shall ensure that the approach is discontinued unless

- (a) when the RVR report is received, the aircraft
 - (i) has passed the outer marker or the fix that serves as the outer marker of the instrument landing system in use for the runway, and
 - (ii) is in descent to the runway;
- (b) the pilot-in-command or a person acting under the control of the pilot-in-command has informed the appropriate air traffic control unit that the aircraft is on a training flight and that the pilot-in-command intends to initiate or cause to be initiated a missed approach procedure at or above the decision height or the minimum descent altitude, as appropriate;

- (c) the RVR is fluctuating rapidly above and below the minimum RVR; or
- (d) the RVR is below the minimum RVR because of a localized phenomenon and the ground visibility of the aerodrome where the runway is located, as reported by an air traffic control unit or flight service station, is at least 1/4 of a mile.

(8) Where the pilot-in-command of an IFR aircraft intends to make an IFR approach to a runway and before the pilot-in-command has received an air traffic control clearance for the IFR approach, the RVR for the runway is below the minimum RVR, the pilot-in-command shall ensure that

- (a) the appropriate air traffic control unit is advised of his intentions; and
- (b) an air traffic control clearance is requested.

(9) Where the pilot-in-command of an IFR aircraft intends to make an IFR approach to a runway and after the pilot-in-command has received an air traffic control clearance for the IFR approach, the RVR for the runway is below the minimum RVR, the pilot-in-command shall ensure a missed approach procedure is initiated at the outer marker, or the fix that serves as the outer marker, of the instrument landing system in use at the runway unless

- (a) the pilot-in-command is issued a further air traffic control clearance for the IFR approach or is instructed by an air traffic control unit to do otherwise, or
- (b) a circumstance described in paragraph (7) (a), (b), (c) or (d) exists.

(10) The Minister may publish a *Manual of All Weather Operations (Category II)* in which the criteria, requirements and procedures for Category II operations of aircraft are specified.

(11) The pilot-in-command shall not operate an aircraft on an instrument approach to Category II minima of a runway unless

- (a) the pilot-in-command has received the training specified in the *Manual of All Weather Operations*; and
- (b) the aircraft is operated in accordance with the procedures, using the equipment and within the limitations specified in that manual.

556. In controlled airspace all flights being made in accordance with the instrument flight rules shall continue in accordance with the instrument flight rules, regardless of weather conditions, unless and until such time as the appropriate air traffic control is notified to the contrary.

| 557. Repealed.

DIVISION V
LIGHTS AND VISUAL SIGNALS

558. In this Division, "visible", in relation to any light or signal, means visible on a dark night in a clear atmosphere.

559. (1) An aircraft in flight or manoeuvring on the ground during the night shall display such lights as the Minister may by order prescribe.

(2) Where an aircraft is parked during the night on the manoeuvring area of an airport and the airport is available for night flying,

- (a) the aircraft shall
 - (i) display the lights prescribed pursuant to subsection (1) or,
 - (ii) be clearly illuminated; or
- (b) the area occupied by the aircraft shall be marked with obstruction lights.

(3) An aircraft on water during the period between sunset and sunrise that is

- (a) moored, anchored or fastened to any fixed object on the land or in the water at a place other than a place where aircraft are customarily moored, anchored or fastened shall display a white light visible in all directions on the horizon at a distance of at least 2 miles; and
- (b) under way or manoeuvring shall display
 - (i) a forward steady red light on the left side and a forward steady green light on the right side of the aircraft projected above and below the horizontal plane of the aircraft through an unobstructed angle from dead ahead to 110 degrees to the left and right and visible at a distance of at least 2 miles, and
 - (ii) a rear steady white light from a source located as far aft on the aircraft as possible except that where a single source is impracticable two rear steady white lights located as far aft on the aircraft as possible may be displayed; and such rear light or lights shall be projected above and below the horizontal plane of the aircraft rearward through an unobstructed angle of 140 degrees equally distributed on the left and right sides and shall be visible at a distance of at least 2 miles.

(4) No other lights that are likely to be mistaken for the lights prescribed by this section shall be displayed between sunset and sunrise by an aircraft that is on water.

560. Distress and urgency signals shall be given in accordance with such directions as may be issued by the Minister, but nothing in this section shall be held to prevent the use by a member of the flight crew of an aircraft in distress of any means at his disposal to attract attention and to make known the position of the aircraft and obtain help.

561. No light signal or ground marking for the control of air traffic shall be given or displayed at any airport except by the appropriate air traffic control unit, or, if no such unit is in operation, by a person thereto authorized by the Minister, and no such signal or marking shall be given or displayed except as prescribed by section 562.

562. (1) Directional light signals given to aircraft in flight have the following meanings;

- (a) a steady green light means "CLEARED TO LAND";
- (b) a steady red light means "GIVE WAY TO OTHER AIRCRAFT AND CONTINUE CIRCLING";
- (c) a series of green flashes means "RETURN FOR LANDING", and shall be followed at the proper time by a steady green light; and
- (d) a series of red flashes means "AIRPORT UNSAFE; DO NOT LAND".

(2) Directional light signals given to aircraft on the manoeuvring area of an airport have the following meanings:

- (a) a steady green light means "CLEARED FOR TAKE-OFF";
- (b) a steady red light means "STOP";
- (c) a series of green flashes means "CLEARED TO TAXI";
- (d) a series of red flashes means "TAXI CLEAR OF LANDING AREA IN USE"; and
- (e) a flashing white light means "RETURN TO STARTING POINT ON AIRPORT".

(3) The firing of a red pyrotechnical light, whether by day or night and notwithstanding any previous instruction, means "DO NOT LAND FOR THE TIME BEING".

(4) A series of projectiles discharged, by day or by night, at intervals of 10 seconds, each showing on bursting, red and green lights or stars, means: "YOU ARE IN THE VICINITY OF A PROHIBITED, DANGER OR RESTRICTED AREA, ALTER COURSE".

(5) Ground markings displayed for the control of air traffic at any aerodrome or other areas on the land or water shall be in accordance with such directions as may be issued by the Minister.

563. The pilot-in-command of an aircraft in respect of which any light signal or ground marking is given or displayed as prescribed by section 562 shall comply with such signal or marking according to its meaning.

PART VI
AIR TRAFFIC CONTROL

600. The Minister may, subject to these Regulations, make such directions as he deems necessary respecting

- (a) the provision of air traffic control service within such portions of the airspace and at such airports as may be specified by him; and
- (b) the standards and procedures to be followed in the operation of any air traffic control service or any air traffic control unit.

601. Any person who, by virtue of his employment in association with the movement of air traffic, is under a duty to forward information received by him to an appropriate air traffic control unit shall, immediately upon receipt of the information or as soon thereafter as possible, forward such information to the appropriate air traffic control unit.

PART VII

COMMERCIAL AIR SERVICE OPERATIONS

700. No person shall operate a commercial air service in Canada unless he holds a valid and subsisting certificate issued by the Minister certifying that the holder thereof is adequately equipped and able to conduct a safe operation as an air carrier.

701. Every certificate issued under this Part shall be in such form as the Minister may prescribe and shall contain such special terms and conditions for the safe and proper operation of the service as the Minister deems necessary.

702. No Canadian air carrier that is the holder of a certificate issued under this Part shall operate an aircraft on a commercial air service in Canada unless

- (a) the aircraft is registered as a commercial aircraft pursuant to paragraph 22(1)(b) of the Aircraft Marking and Registration Regulations; or
- (b) where the aircraft is registered in a contracting state, special permission has been granted by the Minister to use the aircraft on a commercial air service in Canada.

703. Subject to these Regulations, no person shall operate any commercial air service except in accordance with such standards for the safe and proper operation of the service as the Minister may prescribe.

703.1 The Minister may, for the safe and proper operation of a commercial air service, make orders in respect of

- (a) the conditions under which an aircraft may be used or operated or under which any act may be performed in or from an aircraft; and
- (b) the conditions under which persons or personal belongings, baggage, goods or cargo of any kind may be transported by an aircraft.

704. Revoked.

705. Every owner of a commercial aircraft shall make such returns and furnish such particulars to the Minister in connection with the aircraft as the Minister may prescribe.

706. (1) Every operator of a commercial air service shall permit a person authorized by the Minister, when required by that person, to have access to and to inspect and examine all parts of the premises, aircraft and equipment used in such commercial air service, including aircraft when in flight whether on scheduled or non-scheduled commercial flights or otherwise.

(2) The Minister may make such inquiries into the manner of conducting any commercial air service as he deems necessary for purposes of this Part.

707. Revoked.

708. (1) In this section and Schedule II,
"passenger" means a person, other than a crew member, who is carried on board an air carrier's aircraft; (passager)
"passenger seat" means a seat on board an aircraft that may be permanently occupied by a passenger for the period during which the aircraft is being used for a commercial air service; (siège passager)
"public liability" means legal liability of an air carrier, arising from the air carrier's operation, ownership or possession of an aircraft, for
(a) injury to or death of persons other than the air carrier's passengers, crew members or employees, and
(b) damage to property other than property in the air carrier's charge; (responsabilité civile)
"MCTOW" means the maximum certificated take-off weight for an aircraft as shown in the aircraft type approval; (MMHD)

(2) An air carrier shall not operate a commercial air service unless, for every incident related to the operation of that service, it has
(a) liability insurance covering risks of injury to or death of passengers in an amount that is not less than the amount determined by multiplying \$300,000 by
(i) the number of passenger seats on board the aircraft engaged in the service, or
(ii) where there are no passenger seats installed on board the aircraft engaged in the service, the number of passengers that the aircraft is capable of carrying; and
(b) liability insurance covering risks of public liability in an amount that is not less than
(i) \$1,000,000, where the MCTOW of the aircraft engaged in the service is not greater than 7,500 pounds,
(ii) \$2,000,000, where the MCTOW of the aircraft engaged in the service is greater than 7,500 pounds but not greater than 18,000 pounds, and
(iii) where the MCTOW of the aircraft engaged in the service is greater than 18,000 pounds, \$2,000,000 plus an amount determined by multiplying \$150 by the number of pounds by which the MCTOW of the aircraft exceeds 18,000 pounds.

(3) Subsection (2) does not apply in respect of a commercial air service that is a domestic service or an international service referred to in section 7 of the Air Transportation Regulations.

(4) The insurance referred to in paragraph (2)(a) need not extend to any passenger who is an employee of the insured if workers' compensation legislation governing a claim for damages against that insured by the employee is applicable.

(5) No air carrier shall take out any liability insurance to comply with subsection (2) that contains an exclusion or waiver provision reducing the insurance coverage for any incident below the applicable minima determined pursuant to that subsection, unless that provision

- (a) consists of standard exclusion clauses adopted by the international aviation insurance industry dealing with
 - (i) war, hijacking and other perils,
 - (ii) noise and pollution and other perils, or
 - (iii) radioactive contamination;
- (b) is in respect of a chemical drift;
- (c) is to the effect that the insurance does not apply to liability assumed by the air carrier under any contract or agreement unless such liability would have attached to the air carrier even in the absence of such contract or agreement; or
- (d) is to the effect that the entire policy shall be void if the air carrier has concealed or misrepresented any material fact or circumstance concerning the insurance or the subject thereof or if there is any fraud, attempted fraud or false statement by the air carrier touching any matter relating to the insurance or the subject thereof, whether before or after a loss.

(6) An air carrier may have a comprehensive single limit liability coverage where liability risks are covered by a single policy or a combination of primary and supplementary policies, but no single limit liability coverage of that air carrier shall be for an amount that is less than the applicable combined insurance minima determined pursuant to paragraphs (2)(a) and (b).

709. (1) Every air carrier who carries liability insurance in compliance with section 708 shall file with the Minister a valid certificate of insurance in the form set out in Schedule II.

PART VIII

DIVISION I

MISCELLANEOUS PROVISIONS

800. Repealed.

801. No weapons, ammunition or other equipment designed for use in warfare shall be carried on board an aircraft unless that aircraft is registered under Part II of these Regulations or the Minister has authorized the carriage of such equipment.

802. Revoked.

803. The engine or engines of any aircraft shall not be

- (a) started unless the pilot's seat is occupied by a person competent to control the aircraft or unless the aircraft is prevented from moving forward; or
- (b) left running unless the pilot's seat is occupied by a person competent to control the aircraft.

804. No person shall take off from or land at an aerodrome at night with an aircraft unless the aerodrome is lighted as prescribed pursuant to section 311.

805. (1) The pilot-in-command of an aircraft who is given a signal to land, in a form prescribed by the Minister, or given any instruction to land shall, subject to any direction given by any air traffic control unit, forthwith land the aircraft in accordance with the signal or instruction.

(2) For the purpose of subsection (1), a signal or instruction to land may be given by a peace officer, an officer of customs or immigration, an officer of the Canadian Armed Forces acting within the scope of his duty or any person thereto authorized by the Minister.

(3) No person shall give any signal or instruction to land as provided in subsection (1) without good and sufficient cause, and for the purposes of any prosecution for the contravention of the provisions of this subsection the onus of proof that he had such good and sufficient cause is on the person accused of such contravention.

| 806. Repealed.

807. The owner or operator of any aircraft shall, upon reasonable notice given to him by the Minister, make available such aircraft for inspection in accordance with the notice.

808. (1) Every person who

- (a) is the holder of any licence, certificate, or permit issued under these Regulations;
- (b) is the owner, operator or pilot-in-command of any aircraft in respect of which any certificate log book or other document is kept, or
- (c) has in his possession any licence, certificate or permit issued under these Regulations or any log book or other document relating to any aircraft or commercial air service,

shall, upon demand,

- (d) produce the licence, certificate, permit, log book or other document, as the case may be, for inspection by a peace officer, officer of customs or immigration or any person thereto authorized by the Minister; or
- (e) Revoked.

(2) For the purpose of this section, "other document" includes all writings, papers or other records made, or maintained by an owner, an operator or a pilot-in-command of any aircraft for the purpose of recording any action, activity, performance or use of such aircraft, or the activities of the owner, operator or crew in respect of such aircraft whether or not such documents are required by law to be made, held or maintained.

809. Where any licence, certificate, permit or other document issued under these Regulations has been cancelled or suspended, the person to whom it was issued shall forthwith return it to the Minister.

810. Repealed.

811. (1) No person shall knowingly

- (a) Revoked.
- (b) lend any licence, certificate, permit or other document issued under these Regulations to any person who, by these Regulations, is not entitled thereto, or allow any such person to use any such licence, certificate, permit or other document;
- (c) Revoked.
- (d) mutilate, alter or render illegible any licence, certificate, permit or other document issued under these Regulations.

(2) No person shall knowingly mutilate, alter or render illegible any log book or any entry made therein, or make, procure or assist in the making of any false entry in or omission from any log book, nor shall any person knowingly destroy any log book during the period for which it is required by these Regulations to be kept.

812. Revoked.

813. Revoked.

814. Revoked.

815. Revoked.

816. Revoked.

817. Revoked.

818. (1) In complying with these Regulations due regard shall be had to all dangers of navigation and of possible collision, and to any special circumstances rendering non-compliance therewith necessary to avoid immediate danger.

(2) In any prosecution for a contravention of these Regulations or any order made by the Minister pursuant to these Regulations, it is a good defence if the person charged therewith establishes that the contravention took place due to stress of weather or other unavoidable cause as contemplated by this section.

819. Nothing in these Regulations shall be held to relieve the owner, operator or flight crew member of an aircraft of the consequences of any neglect in the use of lights or signals, or of any neglect to keep a proper lookout, or neglect of any precaution that is required by the ordinary practice of the air or by the special circumstances of the case.

820. The charges set out in Schedule I are imposed in respect of the issue, renewal or endorsement of any document set out in the Schedule or any action preparatory thereto as set out in the Schedule.

821. Revoked.

822. All crew members shall, during flight time, be responsible to and obey the orders, instructions and commands of the pilot-in-command or such person as the pilot-in-command may authorize on his behalf.

823. (1) In this section, "intoxicating liquor" means any fermented, spiritous, beer or malt liquor or combination of such liquors that contain more than 2 1/2 per cent proof spirits.

(2) No person on board an aircraft shall consume an intoxicating liquor or any beverage containing an intoxicating liquor unless the intoxicating liquor or beverage has been provided to that person by the owner or operator of the aircraft.

(3) No person on board an aircraft shall provide an intoxicating liquor or beverage containing an intoxicating liquor to any person on board the aircraft where there are reasonable grounds to believe that the person is impaired by alcohol or a drug to an extent that may present a hazard to the aircraft or persons on board the aircraft.

(4) Except in an emergency and subject to subsection (5), no operator of an aircraft shall allow a person to board the aircraft where there are reasonable grounds to believe that the person is impaired by alcohol or a drug to an extent that may present a hazard to the aircraft or persons on board the aircraft.

(5) The operator of an aircraft may allow an impaired person to board an aircraft where the person is impaired by a drug administered pursuant to a medical authorization and is under the supervision of an attendant.

824. Revoked.

DIVISION II

CERTIFICATES, LICENCES, MANUALS, LOGS AND RECORDS

825. (1) Subject to subsection (2), no person shall fly an aircraft, other than a hang glider, unless there is carried on board the aircraft

- (a) the licences or permits of all members of the flight crew;
- (b) the certificate of registration and, for other than an ultra-light aeroplane, the certificate of airworthiness or flight permit relating to the aircraft;
- (c) the licence for the radio apparatus in the aircraft and the certificate of proficiency of the operator of the apparatus issued under the *Radio Act*; and
- (d) for other than an ultra-light aeroplane, a journey log relating to the aircraft.

(2) Paragraph (1)(d) does not apply to a person flying a balloon where

- (a) as a result of a prior arrangement between the person flying the balloon and the operator of the ground vehicle, the balloon is followed by the ground vehicle that provides support to the balloon; and
- (b) the log book is carried in the ground vehicle while the balloon is in flight.

826. (1) Every owner of an aircraft, other than an ultra-light aeroplane, registered under these Regulations shall maintain for that aircraft an aircraft journey log and an aircraft technical log.

(2) The Minister may, by order, prescribe the particulars to be entered in the aircraft journey log and the aircraft technical log that are to be maintained pursuant to subsection (1).

827. Every entry in a log maintained pursuant to section 826 shall be made accurately and in ink by a competent person and signed by that person as soon as possible after the events they record.

828. No person shall alter or erase an entry made in a log maintained pursuant to section 826, tear or remove any leaf therefrom or otherwise deface or destroy the log.

829. Every owner of an aircraft, shall preserve each log maintained for an aircraft pursuant to section 826 for a period of not less than two years after,

- (a) in the case of an aircraft journey log, the date of the last entry in the log, or
- (b) in the case of a technical log, the date upon which the aircraft is destroyed or permanently withdrawn from use.

830. Every owner of an aircraft shall, on the first page of every log taken into use to replace another log, enter the last two entries from the log so replaced.

831. Revoked.

DIVISION III
AIRCRAFT ACCIDENT INVESTIGATION

REVOKED IN SOR/DORS/89-932.

DIVISION IV
OTHER PROVISIONS

838. A reference in these Regulations to the Minister includes, in relation to any particular power, duty or function of the Minister, under these Regulations, a reference to any person authorized by the Minister to exercise or perform such power, duty or function.

SCHEDULE I
(S. 820)

PART I - PERSONNEL LICENSING SERVICES

<u>Document or Preparatory Action for which a Charge is Imposed</u>	<u>Charge</u>
1. Issue of a balloon pilot licence	\$ 42.00
2. Issue of a glider pilot licence	42.00
3. Issue of a private pilot licence — aeroplane	42.00
4. Issue of a private pilot licence — ultra-light aeroplane	42.00
5. Issue of a private pilot licence — helicopter	42.00
6. Issue of a private pilot licence — gyroplane	42.00
7. Issue of a private pilot permit (tourist)	17.00
8. Issue of a commercial pilot licence — aeroplane	63.00
9. Issue of a commercial pilot licence — ultra-light aeroplane	63.00
10. Issue of a commercial pilot licence — helicopter	63.00
11. Issue of an airline transport pilot licence — aeroplane	84.00
12. Issue of an airline transport pilot licence — ultra-light aeroplane	84.00
13. Issue of a flight navigator licence	84.00
14. Issue of a flight engineer licence	63.00
15. Issue of an aircraft maintenance engineer licence	63.00
16. Issue of an air traffic controller licence	63.00
17. Renewal of a personnel licence set out in items 1 to 16	21.00
18. Issue or renewal of a temporary personnel licence or renewal of a validation of a personnel licence issued by a contracting state or by a country that has entered into an agreement with Canada on interstate flying	21.00
19. Issue of a personnel licence set out in items 1 to 16, in replacement of a licence that has been lost or destroyed	42.00
20. Issue of a validation of a personnel licence issued by a contracting state or by a country that has entered into an agreement with Canada on interstate flying	42.00
21. Conduct of the rewriting of an examination required for the issue or endorsement of a personnel licence set out in items 1 to 16 or for the validation of any such licence issued by a contracting state or by a country that has entered into an agreement with Canada on interstate flying	21.00
22. Conduct of a flight test in an aircraft or simulator by a Department of Transport official, including endorsement of a personnel licence in items 1 to 16	42.00
23. Endorsement of a personnel licence set out in items 1 to 16, issued or validated under these Regulations, other than an endorsement set out in item 22	21.00

PART II - AIRCRAFT FLIGHT AUTHORITIES

<u>Document or Preparatory Action for which a Charge is Imposed</u>	<u>Charge</u>
1. Issue of a standard certificate of airworthiness	\$ 84.00
2. Issue of a special certificate of airworthiness — provisional	84.00
3. Issue of a special certificate of airworthiness — restricted	84.00
4. Issue of a special certificate of airworthiness — limited	84.00
5. Issue of a special certificate of airworthiness — amateur-built	84.00
6. Issue of a certificate of airworthiness in replacement of a certificate that has been lost or destroyed	31.00
7. Issue of a certificate of airworthiness for export	57.00
8. Issue of a flight permit — specific purpose	42.00
9. Issue of a flight permit — experimental	105.00

PART III - AIRWORTHINESS DESIGN APPROVAL

<u>Document or Preparatory Action for which a Charge is Imposed</u>	<u>Charge</u>
1. Issue of a new type approval, where the initial approval of the product is the responsibility of the Department of Transport, for	
(a) an aeroplane or rotorcraft in the transport category	\$ 209,000.00
(b) an aeroplane or rotorcraft in the non-transport category	42,000.00
(c) a hot-air balloon	3,100.00
2. Issue of a new supplemental type approval where the initial approval of the product is the responsibility of the Department of Transport	1,100.00
3. Issue of a new limited supplemental type approval where the initial approval of the product is the responsibility of the Department of Transport	420.00

PART IV - OPERATING CERTIFICATES

<u>Document or Preparatory Action for which a Charge is Imposed</u>	<u>Charge</u>
1. Issue of an operating certificate	\$ 209.00
2. Issue of a temporary operating certificate	105.00

SCHEDULE II
(S. 709)

CERTIFICATE OF INSURANCE

INSURANCE COVERING AIR CARRIER LIABILITY
TO PASSENGERS AND PUBLIC LIABILITY

1. This is to certify that

_____ (Insurer)

(Name, address and participation percentages of insurer or insurers)

has/have issued the policies listed in this certificate covering risks of liability to passengers and public liability to

_____ (Air Carrier)

(Name and address of air carrier)

effective

from _____ (day) _____ (month) _____ (year)
to _____ (day) _____ (month) _____ (year).

2. The insurer has assumed, under the policies listed in this certificate, liability insurance covering risks of injury to or death of passengers and liability insurance covering risks of public liability in accordance with the requirements of section 708 of the *Air Regulations*.
3. The air carrier has been insured against the risks described in section 708 of the *Air Regulations* for each incident related to the operation of a commercial air service in the following amounts:

<u>Type of liability</u>	<u>Amount</u>	<u>Policy No.</u>
Passenger		
Public		
Single limit Coverage		

4. The policies listed in this certificate insure [check (a) or (b)]:

(a) all aircraft operated by the air carrier in a commercial air service in or over Canada; or _____

(b) a commercial air service operated by the air carrier in or over Canada with the following aircraft: _____

Registration Mark

Type and Model

5. The insurer undertakes to notify the Minister forthwith in writing when:

(a) the air carrier's coverage has been cancelled or is intended to be cancelled;

(b) the air carrier's coverage has been altered or is intended to be altered in a manner that results in the failure by the insured to comply with section 708 of the *Air Regulations*; or

(c) the air carrier's operations have been changed or are intended to be changed in a manner that results in the failure by the insured to comply with section 708 of the *Air Regulations*.

6. The Insurer [check (a) or (b)]:

(a) is registered and/or licensed in Canada to issue aircraft insurance policies; or _____

(b) is licensed or approved by a foreign government to issue aircraft insurance policies. _____

Date:

On behalf of the Insurer:

(Signature, name and title of authorized person or agent)

Filing Directions:

(1) This certificate and any notification made pursuant to section 5 may be filed with the Minister of Transport by sending it to Transport Canada Headquarters or the appropriate Transport Canada Regional Office for the region in which the person established its main base of operations.

(2) An air carrier may file a certificate that contains one or more of the three conditions and the table set out in the attachment hereto.

ATTACHMENT

NAME OF AIR CARRIER: _____

The Air Carrier has been insured against the risks described in section 2 under Policy no. _____, which is issued on one or more of the following conditions:

- (a) the aircraft are as described, and are insured for the amounts shown, in the table below;
- (b) the number of passengers carried does not exceed the number of passenger seats insured for each aircraft as shown in the table below;
- (c) the number of passengers carried does not exceed the number of passengers for which liability insurance is carried; and
- (d) the aircraft will be used for the following purposes:

TABLE

Registration Mark	Type & Model	No. of Passenger Seats Insured or No. of Passengers Insured	Amount of Passenger Liability	Amount of Public Liability

ATTACHMENT

REGULATIONS RESPECTING PRIVATE AIRCRAFT MINIMUM LIABILITY INSURANCE (Air Regulations, Series VI, No. 10)

SHORT TITLE

1. These Regulations may be cited as the *Private Aircraft Minimum Liability Insurance Regulations*.

INTERPRETATION

2. In these Regulations,
- "flight time" means the total time from the moment an aircraft first moves under its own power for the purpose of taking off until the moment it comes to rest at the end of the flight; (*temps de vol*)
- "maximum permissible take-off weight" means the maximum take-off weight for a private aircraft as authorized by the state of registry of the aircraft; (*masse maximale admissible au décollage*)
- "operate" with respect to a private aircraft, means to operate that aircraft during flight time; (*utiliser*)
- "passenger" means a person, other than a crew member, who is carried on board a private aircraft; (*passager*)
- "private aircraft" means a private aircraft as defined in subsection 101(1) of the *Air Regulations*; (*aéronef privé*)
- "public liability" means the legal liability of an owner or operator of a private aircraft, arising from the ownership, possession or operation of that aircraft, for
- (a) injury to or death of any persons, other than passengers, crew members and employees of the owner or operator carried on board the aircraft, and
 - (b) damage to property, other than property carried on board the aircraft. (*responsabilité civile*)

APPLICATION

3. These Regulations apply to every owner and every operator of a private aircraft that is
- (a) registered in Canada, where that owner or operator is not required to subscribe for liability insurance in respect of that aircraft, pursuant to section 7 of the *Air Transportation Regulations* or section 708 of the *Air Regulations*; or
 - (b) registered pursuant to the laws of a foreign state and operated in Canada, where that owner or operator is not required to subscribe for liability insurance in respect of that aircraft, pursuant to section 7 of the *Air Transportation Regulations* or section 708 of the *Air Regulations*.

MINIMUM LIABILITY INSURANCE

4. No owner or operator of a private aircraft shall operate that aircraft unless the owner or operator has, in respect of that aircraft, subscribed for liability insurance that includes

- (a) liability for injury to or death of passengers, in an amount that is not less than the amount determined by multiplying \$300,000 by the number of passengers on board the aircraft, where the aircraft has a maximum permissible take-off weight of more than 2 268 kg (5,000 pounds); and
- (b) public liability, in an amount that is not less than
 - (i) \$100,000, where the maximum permissible take-off weight of the aircraft is 1 043.28 kg (2,300 pounds) or less,
 - (ii) \$500,000, where the maximum permissible take-off weight of the aircraft is 1 043.28 kg (2,300 pounds) but not greater than 2 268 kg (5,000 pounds),
 - (iii) \$1,000,000, where the maximum permissible take-off weight of the aircraft is greater than 2 268 kg (5,000 pounds) but not greater than 5 670 kg (12,500 pounds),
 - (iv) \$2,000,000, where the maximum permissible take-off weight of the aircraft is greater than 5 670 kg (12,500 pounds) but not greater than 34 020 kg (75,000 pounds), and
 - (v) \$3,000,000, where the maximum permissible take-off weight of the aircraft is greater than 34 020 kg (75,000 pounds).

5. (1) No owner or operator of a private aircraft shall operate that aircraft unless there is on board that aircraft proof that the liability insurance subscribed for in accordance with these Regulations is being carried.

(2) The owner or operator of a private aircraft shall, at the request of the Minister, produce proof that the liability insurance subscribed for in accordance with these Regulations is being carried.

ATTACHMENT I

REGULATIONS RESPECTING AIRSPACE STRUCTURE, CLASSIFICATION AND USE

SHORT TITLE

1. These regulations may be cited as the *Airspace Structure, Classification and Use Regulations*.

INTERPRETATION

- 2.(1) The words and expressions used in these Regulations have the same meaning as in the *Air Regulations*.

- (2) In these Regulations,
“VFR aircraft” means an aircraft operating in VFR flight; (*aéronef VFR*)
“VMC” means visual meteorological conditions, expressed in terms of visibility and distance from cloud, equal to or greater than the weather minima prescribed in the *Weather Minima for VFR Flight Order. (VMC)*

- (3) In these Regulations, a reference to the *Designated Airspace Handbook* means the *Designated Airspace Handbook* (TP 1820E), as amended from time to time, available from the Department of Transport.

AIRSPACE STRUCTURE

- 3.(1) Controlled airspace shall consist of the following types of airspace:
 - (a) control area extensions;
 - (b) control zones;
 - (c) high level airways;
 - (d) high level airspace;
 - (e) low level airways;
 - (f) Arctic, Northern and Southern Control Areas;
 - (g) terminal control areas;
 - (h) transition areas;
 - (i) restricted airspace;
 - (j) advisory airspace;
 - (k) military operations areas; and
 - (l) danger areas.
- (2) Uncontrolled airspace shall consist of the following types of airspace:
 - (a) aerodrome traffic zones;
 - (b) high level air routes;

- (c) low level air routes;
- (d) restricted airspace;
- (e) advisory airspace;
- (f) military operations areas; and
- (g) danger areas.

(3) The horizontal and vertical limits of any airspace of a type referred to in subsection (1) or (2) shall be as specified in the *Designated Airspace Handbook*.

4. The geographical locations of and the horizontal and vertical limits of the following areas, zones, regions and points shall be as specified in the *Designated Airspace Handbook*:

- (a) air defence identification zones;
- (b) altimeter setting regions;
- (c) standard pressure regions;
- (d) mountainous regions;
- (e) holding points;
- (f) reporting points;
- (g) intersections;
- (h) control towers;
- (i) military terminal control areas;
- (j) flight information regions; and
- (k) such other areas, zones, regions and points as are specified in the *Designated Airspace Handbook*.

AIRSPACE CLASSIFICATION

5.(1) The class of any controlled airspace of a type referred to in subsection 3(1) shall be one of the following, as specified in the *Designated Airspace Handbook*.

- (a) Class A;
- (b) Class B;
- (c) Class C;
- (d) Class D;
- (e) Class E;
- (f) Class F Special Use Restricted; or
- (g) Class F Special Use Advisory.

(2) The class of any uncontrolled airspace of a type referred to in subsection 3(2) shall be one of the following, as specified in the *Designated Airspace Handbook*:

- (a) Class G;
- (b) Class F Special Use Restricted; or
- (c) Class F Special Use Advisory.

IFR OR VFR FLIGHT IN CLASS F SPECIAL USE RESTRICTED AIRSPACE
OR CLASS F SPECIAL USE ADVISORY AIRSPACE

6. The procedures for the operation of aircraft in Class F Special Use Restricted Airspace and Class F Special Use Advisory airspace shall be those specified in the *Designated Airspace Handbook*.

7.(1) No person shall operate an aircraft in Class F Special Use Restricted airspace unless authorized to do so by the person specified for that purpose in the *Designated Airspace Handbook*.

(2) For the purposes of subsection (1), a person specified in the *Designated Airspace Handbook* may authorize the operation of an aircraft where activities on the ground or in the airspace are not hazardous to aircraft operating in that airspace and access by aircraft to that airspace does not jeopardize national security interests.

IFR FLIGHT IN CLASS A, B, C, D OR E AIRSPACE OR CLASS F
SPECIAL USE RESTRICTED OR CLASS F SPECIAL USE ADVISORY
CONTROLLED AIRSPACE

8.(1) No person shall operate an IFR aircraft in Class A, B, C, D or E airspace or in Class F Special Use Restricted or Class F Special Use Advisory controlled airspace unless

- (a) the aircraft is operated in accordance with an air traffic control clearance or an authorization issued by the Minister; and
- (b) the pilot-in-command of the aircraft is the holder of a pilot licence and an instrument rating.

(2) The Minister may issue an authorization referred to in paragraph (1)(a) where the operation of the aircraft is in the public interest and is not likely to affect aviation safety.

IFR FLIGHT IN CLASS G AIRSPACE OR CLASS F SPECIAL USE
RESTRICTED OR CLASS F SPECIAL USE ADVISORY UNCONTROLLED
AIRSPACE

9. No person shall operate an IFR aircraft in Class G airspace or in Class F Special Use Restricted or Class F Special Use Advisory uncontrolled airspace unless the pilot-in-command of the aircraft is the holder of a pilot licence and an instrument rating.

VFR FLIGHT IN CLASS A AIRSPACE

10.(1) No person shall operate a VFR aircraft in Class A airspace unless the aircraft is operated in accordance with an authorization issued by the Minister.

(2) The Minister may issue an authorization referred to in subsection (1) where the operation of the aircraft is in the public interest and is not likely to affect aviation safety.

VFR FLIGHT IN CLASS B AIRSPACE

- 11.(1) No person shall operate a VFR aircraft in Class B airspace unless
- (a) the aircraft is operated in accordance with an air traffic control clearance or an authorization issued by the Minister;
 - (b) a VFR flight plan has been filed for that flight;
 - (c) the aircraft is equipped with
 - (i) radiocommunication equipment capable of two-way communication with the appropriate air traffic control unit, and
 - (ii) radio navigation equipment that enables the aircraft to be operated in accordance with the flight plan;
 - (d) a listening watch is maintained by a flight crew member on the radio frequency assigned by an air traffic control unit; and
 - (e) the aircraft is operated in VMC.
- (2) The Minister may issue an authorization referred to in paragraph (1)(a) where the operation of the aircraft is in the public interest and is not likely to affect aviation safety.
- (3) The pilot-in-command of a VFR aircraft operating in Class B airspace in accordance with an air traffic control clearance shall, when it becomes evident that it will not be possible to operate the aircraft in VMC at the altitude or along the route specified in the air traffic control clearance,
- (a) where the airspace is a control zone, request authorization to operate the aircraft in special VFR flight; and
 - (b) in any other case,
 - (i) request an amended air traffic control clearance that will enable the aircraft to be operated VMC to the destination specified in the flight plan or to alternate airport, or
 - (ii) where the pilot-in-command is the holder of an instrument rating, request an air traffic control clearance to operate the aircraft in IFR flight.
- (4) The pilot-in-command of a VFR aircraft operating in Class B airspace shall, when unable to comply with paragraph (1)(d) or subsection (3) because of radiocommunication failure, ensure that
- a) the aircraft leaves Class B airspace
 - (i) where the airspace is a control zone, by landing at the aerodrome for which the control zone is established, and
 - (ii) in any other case, by the shortest route; and
 - (b) an air traffic control unit is informed as soon as possible of the actions taken pursuant to paragraph (a).

VFR FLIGHT IN CLASS C AIRSPACE

12.(1) Subject to subsection (2), no person operating a VFR aircraft shall enter Class C airspace unless the person receives a clearance to enter from the appropriate air traffic control unit before entering the airspace.

(2) The pilot-in-command of a VFR aircraft that is not equipped with radiocommunication equipment capable of two-way communication with the appropriate air traffic control unit may, during daylight in VMC, enter Class C airspace if the pilot-in-command receives authorization to enter from the appropriate air traffic control unit before entering the airspace.

13. The pilot-in-command of a VFR aircraft operating in Class C airspace shall
- (a) maintain separation from other aircraft;
 - (b) maintain the appropriate terrain and obstruction clearance;
 - (c) maintain flight in VMC; and
 - (d) except where authorization to enter the airspace was received pursuant to subsection 12(2), ensure that
 - (i) the aircraft is equipped with radiocommunication equipment capable of two-way communication with the appropriate air traffic control unit, and
 - (ii) a listening watch is maintained by a flight crew member on the radio frequency assigned by an traffic control unit.

14. Class C airspace shall become Class E airspace when the appropriate air traffic control unit is not in operation.

VFR FLIGHT IN CLASS D AIRSPACE

15.(1) Subject to subsection (2), no person operating a VFR aircraft shall enter Class D airspace unless the person establishes two-way radio contact with the appropriate air traffic control unit before entering the airspace.

(2) The pilot-in-command of a VFR aircraft that is not equipped with radiocommunication equipment capable of two-way communication with the appropriate air traffic control unit may, during daylight in VMC, enter Class D airspace if the pilot-in-command receives authorization to enter from the appropriate air traffic control unit before entering the airspace.

16. The pilot-in-command of a VFR aircraft operating in Class D airspace shall
- (a) maintain separation from other aircraft;
 - (b) maintain the appropriate terrain and obstruction clearance;
 - (c) maintain flight in VMC; and
 - (d) except where authorization to enter the airspace was received pursuant to subsection 15(2), ensure that

- (i) the aircraft is equipped with radiocommunication equipment capable of two-way communication with the appropriate air traffic control unit; and
- (ii) a listening watch is maintained by a flight crew member on the radio frequency assigned by an air traffic control unit.

17. Class D airspace shall become Class E airspace when the appropriate air traffic control unit is not in operation.

AERONAUTICS ACT

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ENFORCEMENT

8.4 (1) The registered owner of an aircraft may be proceeded against in respect of and found to have committed an offence under this Part in relation to the aircraft for which another person is subject to be proceeded against unless, at the time of the offence, the aircraft was in the possession of a person other than the owner without the owner's consent and, where found to have committed the offence, the owner is liable to the penalty provided as punishment therefor.

(2) The operator of an aircraft may be proceeded against in respect of and found to have committed an offence under this Part in relation to the aircraft for which another person is subject to be proceeded against unless, at the time of the offence, the aircraft was in the possession of a person other than the operator without the operator's consent and, where found to have committed the offence, the operator is liable to the penalty provided as punishment therefor.

(3) The pilot-in-command of an aircraft may be proceeded against in respect of and found to have committed an offence under this Part in relation to the aircraft for which another person is subject to be proceeded against unless the offence was committed without the consent of the pilot-in-command and, where found to have committed the offence, the pilot-in-command is liable to the penalty provided as punishment therefor.

(4) The operator of an aerodrome or other aviation facility may be proceeded against in respect of and found to have committed an offence under this Part in relation to the aerodrome or facility for which another person is subject to be proceeded against unless the offence was committed without the consent of the operator of the aerodrome or facility and, where found to have committed the offence, the operator of the aerodrome or facility is liable to the penalty provided as punishment therefor.

8.5 No person shall be found to have contravened a provision of this Part or of any regulation or order made under this Part if the person exercised all due diligence to prevent the contravention.

8.6 Evidence relating to the presence or concentration of alcohol in the blood of a person obtained pursuant to any provision of the Criminal Code is admissible in evidence in proceedings taken against a person under this Part, and the provisions of section 258 of the Criminal Code, except paragraph 258(1)(a) thereof, apply, with such modifications as the circumstances require, to any such proceedings.

8.7 (1) Subject to subsection (4), the Minister may

- (a) enter any aircraft, aerodrome, facility relating to aeronautics or any premises used for the design, manufacture, distribution, maintenance or installation of aeronautical products for the purposes of making inspections relating to the enforcement of this Part;
- (b) enter any place for the purposes of an investigation of matters concerning aviation safety;

- (c) seize anything found in any place referred to in paragraph (a) or (b) that the Minister believes on reasonable grounds will afford evidence with respect to an offence under this Part or the causes or contributing factors pertaining to an investigation referred to in paragraph (b); and
- (d) detain any aircraft that the Minister believes on reasonable grounds is unsafe or is likely to be operated in an unsafe manner and take reasonable steps to ensure its continued detention.

(2) Sections 487 to 492 of the Criminal Code apply in respect of any offence committed or suspected to have been committed under this Part.

- (3) The Governor in Council may make regulations respecting
 - (a) the protection and preservation of any evidence that has been seized without a warrant under paragraph (1)(c) or aircraft that has been detained under paragraph (1)(d); and
 - (b) the return of the evidence or aircraft to the owner thereof or the person from whom the evidence was seized or who had custody of the aircraft when it was detained.

(4) Where any place referred to in subsection 5.7(6) or subsection (1) of this section is a dwelling-house, the Minister may not enter that dwelling-house without the consent of the occupant except under the authority of a warrant issued under subsection (5).

- (5) Where on ex parte application a justice of the peace is satisfied by information on oath
- (a) that entry to a dwelling-house is necessary for the purpose of performing any function of the Minister pursuant to this Act, and
 - (b) that entry to the dwelling-house has been refused or that there are reasonable grounds for believing that entry thereto will be refused, the justice of the peace may issue a warrant under his hand authorizing the Minister to enter that dwelling-house subject to such conditions as may be specified in the warrant.

(6) In executing a warrant under subsection (5), the Minister shall not use force unless he is accompanied by a peace officer and the use of force has been specifically authorized in the warrant.

PART IV
CIVIL AVIATION TRIBUNAL

29. (1) There is hereby established a tribunal to be known as the Civil Aviation Tribunal consisting of a Chairman, a Vice-Chairman and such other members as are from time to time appointed by the Governor in Council.

(2) The Governor in Council shall appoint as members of the Tribunal persons who have knowledge and experience in aeronautics.

(3) The Chairman and the Vice-Chairman are each full-time members of the Tribunal and the other members may be appointed as full-time or part-time members.

(4) A member of the Tribunal shall be appointed to hold office during good behaviour for a term not exceeding seven years and may be removed for cause by the Governor in Council.

(5) A member of the Tribunal is eligible to be re-appointed on the expiration of a first or subsequent term of office.

30. (1) The Chairman is the chief executive officer of the Tribunal and has supervision over and direction of the work and staff of the Tribunal including

- (a) the apportionment of work among the members thereof and the assignment of members to hear matters brought before the Tribunal and, where the Tribunal sits in panels, the assignment of members to panels and to preside over panels; and
- (b) generally, the conduct of the work of the Tribunal and the management of its internal affairs.

(2) In the event of the absence or incapacity of the Chairman of the Tribunal or if the office of Chairman is vacant, the Vice-Chairman has and may exercise and perform all the powers, duties and functions of the Chairman.

31. (1) Each full-time member of the Tribunal shall be paid such salary as is fixed by the Governor in Council and each part-time member is entitled to be paid such fees or other remuneration for his services as may be fixed by the Governor in Council.

(2) Each member of the Tribunal is entitled to be paid reasonable travel and living expenses incurred by the member in the course of the member's duties under this Act while absent from the member's ordinary place of residence.

32. (1) A full-time member of the Tribunal shall not accept or hold any office, membership, employment or interest or engage in any business that the Governor in Council may declare to be inconsistent with the proper performance of the duties and functions of a full-time member of the Tribunal.

(2) Where any interest prohibited under subsection (1) vests in a full-time member of the Tribunal by gift, will, succession, settlement or otherwise, the member shall forthwith disclose the interest to the Governor in Council and, within three months after the disclosure, dispose of the interest to the satisfaction of the Governor in Council unless he ceases to be a full-time member within that time.

(3) Where a part-time member of the Tribunal who is assigned to hear or is hearing any matter before the Tribunal, either alone or as a member of a panel, holds any pecuniary or other interest that could be inconsistent with the proper performance of his duties and functions in relation to the matter, the member shall forthwith disclose that interest to the Chairman of the Tribunal and is ineligible to hear, or to continue to hear, the matter.

(4) For the purposes of subsection (3), the Governor in Council may issue guidelines to part-time members of the Tribunal concerning the nature of the interests that could be inconsistent with the proper performance of their duties and functions in relation to matters before the Tribunal.

33. (1) The principal office of the Tribunal shall be in the National Capital Region described in the schedule to the National Capital Act.

(2) The Tribunal or any member thereof shall sit at such times and at such places in Canada as the Chairman of the Tribunal considers necessary for the proper performance of its functions.

(3) The Tribunal may, with the approval of the Governor in Council, make rules not inconsistent with this Act governing the carrying out of the affairs of the Tribunal and the practice and procedure in connection with matters dealt with by it.

34. (1) Such employees as are necessary for the proper conduct of the work of the Tribunal shall be appointed in accordance with the Public Service Employment Act.

(2) Employees appointed under subsection (1) shall be deemed to be employed in the Public Service for the purposes of the Public Service Superannuation Act.

(3) The Tribunal may appoint and, subject to the approval of the Treasury Board, fix the remuneration of experts or persons having technical or special knowledge to assist the Tribunal in any matter in an advisory capacity.

35. The Tribunal shall, not later than June 30 in each fiscal year, submit to Parliament, through such member of the Queen's Privy Council for Canada as is designated by the Governor in Council as the Minister for the purposes of this section, a report of its activities during the preceding fiscal year and that Minister shall cause each such report to be laid before each House of Parliament on any of the first fifteen days on which that House is sitting after the Minister receives it.

CROSS REFERENCE
THE AIR REGULATIONS
AND
AIR NAVIGATION ORDERS

NOTE: This index does not form part of the Air Regulations or Air Navigation Orders and is printed for convenience of reference only.

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INTRODUCTION

AIR REGULATIONS SERIES

The aim of this amendment is to amalgamate Air Regulations Series II published in the Canadian Aeronautics Code (TP10743E) and to add Series III as published in the *Canada Gazette*. Series II of the *Air Regulations* deals with the identification, the registration, leasing of aircraft and the charges and Series III is respecting aerodromes and airports.

Over the next few years, the existing *Air Regulations*, Air Navigation Orders and Air Regulations Series will be replaced by the Canadian Air Regulations (CARS). CARS will include all regulations and orders respecting aeronautics presented in eight parts, which will be divided into sub-parts in a stand alone format.

Each sub-part will deal with a specific topic relating to aeronautics and users could purchase an individual sub-part or a custom package that meet their own special needs. The existing *Air Regulations*, Air Navigation Orders and Air Regulations Series will be repealed at the time the new legislation comes into force.

ATTACHMENT 1 - 2

REGULATIONS RESPECTING THE SUSPENSION, CANCELLATION OR
REFUSAL TO RENEW CANADIAN AVIATION DOCUMENTS

(Air Regulations Series I, No. 2)

SHORT TITLE

1. These Regulations may be cited as the Canadian Aviation Document Regulations.

INTERPRETATION

2. In these Regulations,
 "Act" means the Aeronautics Act; (Loi)
 "Minister" means the Minister of Transport. (Ministre)

NOTICES OF SUSPENSION, CANCELLATION OR REFUSAL TO RENEW

3. A notice issued by the Minister pursuant to subsections 6.9(1) and (2) of the Act shall include
- (a) a description of the particulars of the alleged contravention;
 - (b) where the Minister has decided to suspend the Canadian aviation document, a statement of the duration of the suspension; and
 - (c) a statement that a request for review by the Tribunal does not prevent the suspension or cancellation from coming into effect but that an application may be made in writing to the Tribunal, pursuant to subsection 6.9(4) of the Act, to stay the suspension or cancellation until the review of the decision of the Minister has been concluded.
4. A notice issued by the Minister pursuant to subsections 7(1) and (2) of the Act shall include
- (a) a statement of the effective date of the suspension;
 - (b) a statement of the conditions under which the suspension may be terminated; and
 - (c) a statement that a request for review by the Tribunal does not operate as a stay of the suspension.
5. A notice issued by the Minister pursuant to subsections 7.1(1) and (2) of the Act shall include
- (a) where the Minister has decided to suspend or cancel a Canadian aviation document, a statement of the effective date of the suspension or cancellation;
 - (b) where the Minister has decided to suspend the Canadian aviation document, a statement of the duration of the suspension or the conditions under which the suspension may be terminated; and
 - (c) a statement that a request for review by the Tribunal does not operate as a stay of the suspension, cancellation or refusal to renew.

6. The Minister may suspend, cancel or refuse to renew a Canadian aviation document where
- (a) the Canadian aviation document has been voluntarily surrendered to the Minister by its holder;
 - (b) the Canadian aviation document has been mutilated, altered, or rendered illegible;
 - (c) in the case of a Canadian aviation document issued in respect of an aircraft, the aircraft has been destroyed or withdrawn from use; or
 - (d) in the case of a Canadian aviation document issued in respect of a commercial air service, the service has been discontinued.

ATTACHMENT 1 - 3

REGULATIONS DESIGNATING REGULATIONS AND ORDERS, PRESCRIBING INFORMATION TO BE INCLUDED IN NOTICES OF ALLEGATIONS AND PRESCRIBING MAXIMUM AMOUNTS PAYABLE IN RESPECT OF CONTRAVENTIONS OF DESIGNATED PROVISIONS

(Air Regulations Series I, No. 3)

SHORT TITLE

1. These Regulations may be cited as the *Designated Provisions Regulations*.

INTERPRETATION

2. In these Regulations,
"Act" means the *Aeronautics Act*; (*Loi*)
"designated provision" means any regulation or order or any part thereof made under Part I of the Act that has been designated by subsection 3(1) of these regulations; (*texte désigné*)
"Minister" means the Minister of Transport. (*ministre*)

DESIGNATED PROVISIONS

3. (1) The provisions listed in column I of the schedule are hereby designated as provisions the contravention of which may be dealt with under and in accordance with the procedure set out in sections 7.7 to 8.2 of the Act.

- (2) The amount set out in an item of column II of the schedule is the maximum amount that may be assessed as a penalty for the contravention of the provision set out in column I of that item.

- (3) A notice issued to a person by the Minister pursuant to subsection 7.7(1) of the Act shall specify

- (a) the designated provision that the Minister believes has been contravened;
- (b) the particulars of the alleged contravention;
- (c) that payment of the amount set out in the notice will be accepted by the Minister as complete satisfaction of the amount of penalty for the alleged contravention and that no further proceedings under Part I of the Act will be taken against the person in respect of that contravention;
- (d) that if the person fails to pay the amount set out in the notice in accordance with the requirements set out therein, a copy of the notice will be forwarded to the Tribunal and the Tribunal will determine whether the alleged contravention took place; and
- (e) that the person will be given a full opportunity consistent with procedural fairness and natural justice to present evidence before the Tribunal and make representations in relation to the alleged contravention.

SCHEDULE
(Section 3)

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Paragraph 218(e)	1000	1000
Section 220	1000	1000
Section 221	1000	1000
Section 222	250	1250
Section 500	1000	1000
Section 505	500	500
Paragraph 506(a)	500	500
Paragraph 506(b)	500	500
Section 510	500	500
Section 519	1000	1000
Paragraph 521(a)	500	500
Paragraph 521(b)	500	500
Paragraph 521(c)	5000	25000
Paragraph 521(d)	500	500
Paragraph 521(e)	500	500
Paragraph 521(f)	500	500
Paragraph 521(g)	500	500
Section 522	1000	1000
Section 523	1000	1000
Section 524	1000	1000
Section 532	1000	1000
Section 533	250	250
Paragraph 534(2)(a)	1000	1000
Paragraph 534(2)(b)	1000	1000
Subsection 534(7)	1000	1000
Section 542	1000	1000

COLUMN I
DESIGNATED PROVISION

COLUMN II
MAXIMUM AMOUNT
OF PENALTY

Section 543	\$ 750	\$ 750
Section 544	1000	1000
Subsection 547(1)	500	500
Subsection 547(2)	500	500
Subsection 547(3)	500	500
Subsection 548(1)	1000	1000
Subsection 548(2)	250	250
Subsection 550(1)	500	500
Subsection 550(2)	500	500
Section 551	1000	1000
Section 552	1000	1000
Subsection 555(1)	750	750
Subsection 555(3)	750	750
Subsection 555(4)	750	750
Subsection 555(7)	750	750
Subsection 555(8)	750	750
Subsection 555(9)	750	750
Subsection 555(11)	750	750
Section 563	1000	1000
Section 705	1000	1000
Paragraph 803(a)	1000	1000
Paragraph 803(b)	1000	1000
Section 804	1000	1000
Subsection 805(1)	1000	1000
Section 806	500	500
Paragraph 825(1)(a)	250	250
Paragraph 825(1)(b)	250	250
Paragraph 825(1)(c)	250	250
Paragraph 825(1)(d)	250	250
Subsection 826(1)	500	500
Section 827	500	500

Private Aeroplanes Passenger Transportation Order
(Air Navigation Order, Series I, No. 2)

Subsection 4(1)	1000	1000
Subsection 4(2)	1000	1000
Subsection 5(1)	1000	1000
Section 6	1000	1000
Section 7	1000	1000

COLUMN I DESIGNATED PROVISION	COLUMN II MAXIMUM AMOUNT OF PENALTY	
Subsection 10(1)	\$ 1000	\$ 1000
Subsection 10(2)	1000	1000
Subsection 10(3)	500	500
Subsection 10(4)	1000	1000
Section 12	1000	1000
Subsection 13(1)	500	500
Subsection 13(2)	500	500
Subsection 13(3)	500	500
Section 14	500	500
Subsection 15(1)	1000	1000
Subsection 15(2)	1000	1000
Subsection 16(1)	1000	1000
Section 17	1000	1000
Subsection 18(1)	1000	1000
<u>Aircraft Seats, Safety Belts & Safety Harnesses Order</u> (Air Navigation Order, Series II, No. 2)		
Subsection 3(1)	1000	1000
Subsection 3(2)	1000	1000
Subsection 5(2)	1000	1000
Subsection 6(1)	1000	1000
Subsection 6(2)	1000	1000
Section 7	1000	1000
<u>Flying Control Locks Order</u> (Air Navigation Order, Series II, No. 5)		
Section 2	500	500
Section 3	500	500
<u>Night Flying Equipment Order</u> (Air Navigation Order, Series II, No. 6)		
Subsection 3(1)	1000	1000

COLUMN I DESIGNATED PROVISION	COLUMN II MAXIMUM AMOUNT OF PENALTY	
Subsection 3(3)	\$ 500	\$ 500
Section 4	500	500
Section 5	500	500
<u>Life-Saving Equipment Order</u> (Air Navigation Order, Series II, No. 8)		
Section 3	750	750
Subsection 4(1)	500	500
Subsection 4(2)	500	500
Subsection 4(3)	500	500
Subsection 5(1)	750	750
Subsection 5(2)	750	750
Section 6	750	750
Section 7	500	500
Section 8	750	750
<u>Oxygen Equipment Order</u> (Air Navigation Order, Series II, No. 9)		
Section 3	1000	1000
Section 4	1000	1000
Section 5	1000	1000
Section 6	1000	1000
Section 7	500	500
Subsection 8(1)	500	500
Subsection 8(2)	500	500
Section 9	500	500
Section 10	500	500
Subsection 11(1)	1000	1000
Section 12	1000	1000
Section 13	1000	1000
<u>Transponder and Automatic Pressure Altitude</u> <u>Reporting Equipment Order</u> (Air Navigation Order, Series II, No. 10)		
Section 3	500	500
Section 6	500	500

COLUMN I
DESIGNATED PROVISION

COLUMN II
MAXIMUM AMOUNT
OF PENALTY

Aircraft First Aid Kit Order

(Air Navigation Order, Series II, No. 11)

Paragraph 2(a)	\$ 250	\$ 250
Paragraph 2(b)	500	500
Paragraph 2(c)	500	500
Paragraph 2(d)	500	500

Flight Data Recorder Order

(Air Navigation Order, Series II, No. 13)

Section 4	500	500
Section 5	500	500

Cockpit Voice Recorder Order

(Air Navigation Order, Series II, No. 14)

Section 4	500	500
Section 5	500	500
Subsection 8(1)	500	500
Subsection 8(2)	500	500

Altimeter and Altimeter Static Pressure System Order

(Air Navigation Order, Series II, No. 15)

Section 2	1000	1000
Section 4	500	500

Altitude Alerting Systems Order

(Air Navigation Order, Series II, No. 16)

Section 3	1000	1000
Section 4	1000	1000

Emergency Locator Transmitter Order

(Air Navigation Order, Series II, No. 17)

Subsection 3(1)	500	500
Section 5	250	250

COLUMN I DESIGNATED PROVISION	COLUMN II MAXIMUM AMOUNT OF PENALTY	
Section 7	\$ 1000	\$ 1000
Section 8	500	500
Section 9	250	250
<u>Additional Bank and Pitch Indicator Order</u> (Air Navigation Order, Series II, No. 18)		
Section 3	1000	1000
<u>Day VFR Flight Instruments Order</u> (Air Navigation Order, Series II, No. 19)		
Section 2	1000	1000
<u>Aircraft Noise Emission Standards and Certification Order</u> (Air Navigation Order, Series II, No. 21)		
Subsection 5(5)	1000	1000
Subsection 5(6)	1000	1000
Section 7	1000	1000
<u>Aircraft Noise Operating Restrictions Order</u> (Air Navigation Order, Series II, No. 27)		
Subsection 4(1)	1000	5000
Subsection 4(2)	5000	25000
Section 5	5000	25000
<u>Aeroplane Cabin Fire Protection Order</u> (Air Navigation Order, Series II, No. 30)		
Paragraph 5(1)(a)	1000	1000
Paragraph 5(1)(b)	1000	1000
Paragraph 5(1)(c)	1000	1000

COLUMN I
DESIGNATED PROVISION

COLUMN II
MAXIMUM AMOUNT
OF PENALTY

Flight Crew Member Licences Privileges Order
(Air Navigation Order, Series IV, No. 2)

Section 7	750	750
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Aircraft Maintenance Engineer Licences Privileges Order
(Air Navigation Order, Series IV, No. 6)

Section 6	1000	1000
Section 7	1000	1000

Special VFR Flight Order
(Air Navigation Order, Series V, No. 1)

Paragraph 6(b)	1000	1000
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Cruising Altitudes Order
(Air Navigation Order, Series V, No. 2)

Paragraph 4(1)(a)	1000	1000
Paragraph 4(1)(b)	1000	1000
Paragraph 4(1)(c)	1000	1000

Flight Plans and Flight Notification Order
(Air Navigation Order, Series V, No. 4)

Subsection 4(1)	500	500
Section 5	500	500
Section 6	500	500
Section 7	500	500
Section 8	500	500
Subsection 10(2)	500	500
Section 13	500	500

COLUMN I DESIGNATED PROVISION	COLUMN II MAXIMUM AMOUNT OF PENALTY	
<u>Communication Failure in IFR Flight Order</u> (Air Navigation Order, Series V, No. 5)		
Paragraph 3(a)	\$ 500	\$ 500
Paragraph 3(b)	500	500
Paragraph 3(c)	500	500
Section 4	500	500
Section 5	500	500
<u>Weather Minima Alternate Airports Order</u> (Air Navigation Order, Series V, No. 8)		
Section 2	500	500
<u>IFR Flight Position Reports Order</u> (Air Navigation Order, Series V, No. 11)		
Subsection 4(1)	500	500
Subsection 4(2)	500	500
Paragraph 5(1)(a)	500	500
Paragraph 5(1)(b)	500	500
Section 6	500	500
Paragraph 7(a)	500	500
Paragraph 7(b)	500	500
Paragraph 7(c)	500	500
Paragraph 7(d)	500	500
Paragraph 7(e)	500	500
Paragraph 7(f)	500	500
Section 8	500	500
<u>Sparsely Settled Areas Order</u> (Air Navigation Order, Series V, No. 12)		
Section 3	1000	1000
<u>VFR Flight Procedures at Designated Airports Order</u> (Air Navigation Order, Series V, No. 19)		
Subsection 3(1)	500	500
Section 4	500	500

COLUMN I
DESIGNATED PROVISION

COLUMN II
MAXIMUM AMOUNT
OF PENALTY

IFR Flight Instruments and Equipment Order
(Air Navigation Order, Series V, No. 22)

Paragraph 3(1)(a)	\$ 1000	\$ 1000
Paragraph 3(1)(b)	1000	1000
Paragraph 3(1)(c)	1000	1000
Paragraph 3(1)(d)	1000	1000
Paragraph 3(1)(e)	1000	1000
Paragraph 3(1)(f)	1000	1000
Paragraph 3(1)(g)	1000	1000
Paragraph 3(1)(h)	500	500
Subsection 3(2)	1000	1000
Section 4	1000	1000
Paragraph 5(a)	1000	1000
Paragraph 5(b)	1000	1000
Section 6	1000	1000

Hang Glider and Ultra-Light Aeroplane Operations Order
(Air Navigation Order, Series V, No. 24)

Section 3	1000	1000
Section 4	1000	1000
Section 5	1000	1000
Paragraph 6(a)	1000	1000
Paragraph 6(b)	1000	1000
Section 8	1000	1000
Section 9	1000	1000

Emergency Radio Frequency and Visual Interception
Signals Order (Air Navigation Order, Series V, No. 27)

Paragraph 5(a)	250	250
Paragraph 5(b)	250	250

Special Aviation Events Safety Order
(Air Navigation Order, Series V, No. 30)

Section 3	750	750
Paragraph 6(a)	750	750
Paragraph 6(b)	750	750
Paragraph 6(c)	750	750
Paragraph 6(d)	750	750
Paragraph 9(a)	750	750
Paragraph 9(b)	750	750

COLUMN I
DESIGNATED PROVISION

COLUMN II
MAXIMUM AMOUNT
OF PENALTY

Air Carriers Using Large Aeroplanes Order
(Air Navigation Order, Series VII, No. 2)

Section 3	\$ 1000	\$ 5000
Subsection 6(1)	1000	5000
Subsection 6(2)	1000	5000
Subsection 10(1)	1000	5000
Subsection 10(2)	250	1250
Section 11	250	1250
Subsection 12(1)	1000	5000
Subsection 12(2)	1000	5000
Subsection 12(3)	3000	15000
Subsection 13(1)	1000	5000
Subsection 14(1)	3000	15000
Subsection 15(1)	1000	5000
Subsection 15(2)	1000	5000
Subsection 15(3)	3000	15000
Subsection 15(6)	1000	5000
Subsection 15(7)	1000	5000
Subsection 15(8)	500	2500
Section 16	1000	5000
Section 17	1000	5000
Subsection 18(1)	250	1250
Subsection 18(3)	250	1250
Subsection 18(4)	250	1250
Subsection 18.1(2)	250	1250
Subsection 18.1(3)	250	1250
Subsection 18.1(4)	250	1250
Subsection 18.1(5)	250	1250
Subsection 18.1(6)	250	1250
Subsection 18.1(7)	250	1250
Subsection 18.1(8)	250	1250
Subsection 18.1(9)	250	1250
Subsection 18.1(10)	250	1250
Subsection 19(1)	250	1250
Subsection 19(2)	250	1250
Subsection 19(3)	250	1250
Section 20	3000	15000
Section 21	1000	5000
Section 22	3000	15000
Section 23	3000	15000
Section 24	3000	15000
Section 26	3000	15000

COLUMN I DESIGNATED PROVISION	COLUMN II MAXIMUM AMOUNT OF PENALTY	
Subsection 31(1)	\$ 1000	\$ 1000
Section 32	1000	5000
Section 33	1000	5000
Section 34	1000	5000
Section 35	500	2500
Section 36	250	1250
Section 37	250	1250
Subsection 38(1)	3000	15000
Subsection 38(2)	3000	15000
Subsection 38(3)	3000	15000
Subsection 38(4)	3000	15000
Subsection 38(5)	1000	5000
Section 39	1000	5000
Subsection 40(1)	2000	10000
Subsection 40(2)	2000	10000
Subsection 41(1)	1000	5000
Subsection 41(2)	500	2500
Subsection 41.1(1)	1000	5000
Subsection 41.1(2)	1000	5000
Subsection 41.1(3)	3000	15000
Subsection 41.1(9)	1000	5000
Subsection 41.1(10)	1000	5000
Subsection 41.1(11)	1000	5000
Subsection 41.1(12)	1000	5000
Subsection 41.1(13)	1000	5000
Subsection 41.2(2)	1000	5000
Subsection 41.2(3)	1000	5000
Subsection 41.2(4)	1000	5000
Subsection 42(1)	1000	5000
Subsection 42(2)	1000	5000
Subsection 42(3)	1000	5000
Subsection 42(4)	1000	5000
Subsection 42(5)	500	2500
Subsection 44(1)	1000	5000
Subsection 45(1)	1000	5000
Subsection 45(2)	1000	5000
Subsection 45(3)	500	2500
Paragraph 45(4)(a)	1000	5000
Paragraph 45(4)(b)	1000	5000
Subsection 46(1)	1000	5000
Subsection 46(2)	1000	5000

COLUMN I DESIGNATED PROVISION	COLUMN II MAXIMUM AMOUNT OF PENALTY	
Subsection 46(3)	\$ 1000	\$ 5000
Subsection 47(1)	1000	5000
Subsection 47(2)	1000	5000
Subsection 48(1)	1000	5000
Subsection 48(2)	1000	5000
Subsection 48(3)	1000	5000
Subsection 49(1)	1000	5000
Subsection 49(2)	1000	5000
Subsection 49(3)	1000	5000
Subsection 50(1)	1000	5000
Subsection 50(2)	1000	5000
Subsection 51(1)	1000	5000
Subsection 52(1)	1000	5000
Subsection 52(2)	1000	5000
Subsection 52(3)	1000	5000
Subsection 53(1)	1000	5000
Subsection 53(2)	1000	5000
Subsection 53(3)	1000	5000
Subsection 53(4)	1000	5000
Subsection 53(5)	1000	5000
Subsection 54(2)	1000	5000
Subsection 54(3)	1000	5000
Subsection 54(4)	1000	5000
Subsection 56(1)	1000	5000
Subsection 56(6)	1000	5000
Section 57	1000	5000
Section 58	1000	5000
<u>Air Carriers Using Small Aeroplanes Order</u> (Air Navigation Order, Series VII, No. 3)		
Section 3	1000	5000
Subsection 6(1)	1000	5000
Subsection 6(2)	1000	5000
Subsection 10(1)	1000	5000
Subsection 10(2)	250	1250
Section 11	250	1250
Subsection 12(1)	1000	5000
Subsection 12(2)	1000	5000
Subsection 12(3)	3000	15000

COLUMN I DESIGNATED PROVISION	COLUMN II MAXIMUM AMOUNT OF PENALTY	
Section 13	\$ 1000	\$ 5000
Subsection 14(1)	1000	5000
Subsection 15(1)	1000	5000
Subsection 15(3)	1000	5000
Subsection 15(4)	500	2500
Subsection 15(5)	1000	5000
Section 16(1)	3000	15000
Section 17	1000	5000
Section 18	1000	5000
Subsection 19(1)	250	1250
Subsection 19(3)	250	1250
Subsection 19(4)	250	1250
Subsection 19.1(2)	250	1250
Subsection 19.1(3)	250	1250
Subsection 19.1(4)	250	1250
Subsection 19.1(5)	250	1250
Subsection 19.1(6)	250	1250
Subsection 19.1(7)	250	1250
Subsection 19.1(8)	250	1250
Subsection 19.1(9)	250	1250
Subsection 20(1)	250	1250
Subsection 20(2)	250	1250
Subsection 20(3)	250	1250
Section 21	3000	15000
Section 22	500	2500
Section 23	3000	15000
Section 24	3000	15000
Section 25	3000	15000
Section 27	3000	15000
Section 31	250	1250
Subsection 32(1)	1000	5000
Section 33	1000	5000
Section 34	1000	5000
Section 35	1000	5000
Section 36	500	2500
Section 37	250	1250
Section 38	250	1250
Subsection 39(1)	3000	15000
Subsection 39(2)	3000	15000
Subsection 39(3)	3000	15000
Subsection 39(4)	3000	15000
Subsection 39(5)	1000	5000
Section 40	3000	15000
Subsection 41(1)	2000	10000

COLUMN I DESIGNATED PROVISION	COLUMN II MAXIMUM AMOUNT OF PENALTY	
Subsection 42(1)	\$ 500	\$ 2500
Subsection 42(2)	500	2500
Subsection 42.1(1)	1000	5000
Subsection 42.1(2)	1000	5000
Subsection 42.1(3)	3000	15000
Subsection 42.1(9)	1000	5000
Subsection 42.1(10)	1000	5000
Subsection 42.1(11)	1000	5000
Subsection 42.1(12)	1000	5000
Subsection 42.1(13)	1000	5000
Subsection 42.2(2)	1000	5000
Subsection 42.2(3)	1000	5000
Subsection 42.2(4)	1000	5000
Subsection 43(1)	1000	5000
Subsection 43(2)	1000	5000
Subsection 43(3)	1000	5000
Subsection 43(4)	500	2500
Subsection 44(1)	1000	5000
Subsection 44(2)	1000	5000
Subsection 44(3)	500	2500
Paragraph 44(4)(a)	1000	5000
Paragraph 44(4)(b)	1000	5000
Subsection 45(1)	1000	5000
Subsection 45(2)	1000	5000
Subsection 46(1)	1000	5000
Subsection 46(2)	1000	5000
Subsection 47(1)	1000	5000
Subsection 47(2)	1000	5000
Subsection 48(1)	1000	5000
Subsection 48(2)	1000	5000
Subsection 48(3)	1000	5000
Subsection 48(4)	1000	5000
Subsection 48(5)	1000	5000
Subsection 48(6)	1000	5000
Subsection 48(7)	1000	5000
 <u>Restraint of Carry-On Baggage Order</u> (Air Navigation Order, Series VII, No. 4)		
Section 2	500	500

COLUMN I
DESIGNATED PROVISION

COLUMN II
MAXIMUM AMOUNT
OF PENALTY

Rotorcraft Air Transport Operations Order
(Air Navigation Order, Series VII, No. 6)

Section 3	\$ 1000	\$ 5000
Subsection 6(1)	1000	5000
Subsection 6(2)	1000	5000
Subsection 10(1)	1000	5000
Subsection 10(2)	250	1250
Section 11	250	1250
Subsection 12(1)	1000	5000
Subsection 12(2)	1000	5000
Subsection 12(3)	3000	15000
Section 13	1000	5000
Subsection 14(1)	1000	5000
Section 15	1000	5000
Subsection 16(1)	3000	15000
Subsection 16(3)	1000	5000
Subsection 16(4)	500	2500
Subsection 16(5)	1000	5000
Subsection 17(1)	3000	15000
Section 18	1000	5000
Subsection 19(1)	250	1250
Subsection 19(3)	250	1250
Subsection 19(4)	250	1250
Subsection 19.1(2)	250	1250
Subsection 19.1(3)	250	1250
Subsection 19.1(4)	250	1250
Subsection 19.1(5)	250	1250
Subsection 19.1(6)	250	1250
Subsection 19.1(7)	250	1250
Subsection 19.1(8)	250	1250
Subsection 19.1(9)	250	1250
Subsection 20(1)	250	1250
Subsection 20(2)	250	1250
Subsection 20(3)	250	1250
Section 21	3000	15000
Section 22	500	2500
Section 23	3000	15000
Section 24	3000	15000
Section 25	3000	15000

COLUMN I DESIGNATED PROVISION	COLUMN II MAXIMUM AMOUNT OF PENALTY	
Section 27	\$ 3000	\$ 15000
Section 31	250	1250
Subsection 32(1)	1000	5000
Section 33	1000	5000
Section 34	1000	5000
Section 35	1000	5000
Section 36	500	2500
Section 37	250	1250
Section 38	250	1250
Subsection 39(1)	3000	15000
Subsection 39(2)	3000	15000
Subsection 39(3)	3000	15000
Subsection 39(4)	1000	5000
Section 40	3000	15000
Subsection 41(1)	2000	10000
Subsection 42(1)	500	2500
Subsection 42(2)	500	2500
Subsection 42.1(1)	1000	5000
Subsection 42.1(2)	1000	5000
Subsection 42.1(3)	3000	15000
Subsection 42.1(9)	1000	5000
Subsection 42.1(10)	1000	5000
Subsection 42.1(11)	1000	5000
Subsection 42.1(12)	1000	5000
Subsection 42.1(13)	1000	5000
Subsection 42.2(2)	1000	5000
Subsection 42.2(3)	1000	5000
Subsection 42.2(4)	1000	5000
Subsection 43(1)	1000	5000
Subsection 43(2)	1000	5000
Subsection 43(3)	1000	5000
Subsection 43(4)	500	2500
Subsection 44(1)	1000	5000
Subsection 44(2)	1000	5000
Subsection 44(3)(a)	1000	5000
Subsection 44(3)(b)	1000	5000
Subsection 45(1)	1000	5000
Subsection 45(2)	1000	5000
Subsection 46(1)	1000	5000
Subsection 46(2)	1000	5000
Subsection 47(1)	1000	5000
Subsection 47(2)	1000	5000

COLUMN I DESIGNATED PROVISION	COLUMN II MAXIMUM AMOUNT OF PENALTY	
Subsection 48(1)	\$ 1000	\$ 5000
Subsection 48(2)	1000	5000
Subsection 48(3)	1000	5000
Subsection 48(4)	1000	5000
Subsection 48(5)	1000	5000
Subsection 48(6)	1000	5000
Subsection 48(7)	1000	5000

Airspace Structure, Classification and Use Regulations

Subsection 7(1)	500	500
Paragraph 8(1)(a)	500	500
Paragraph 8(1)(b)	500	500
Section 9	500	500
Subsection 10(1)	500	500
Paragraph 11(1)(a)	500	500
Paragraph 11(1)(b)	500	500
Subparagraph 11(1)(c)(i)	500	500
Subparagraph 11(1)(c)(ii)	500	500
Paragraph 11(1)(d)	500	500
Paragraph 11(1)(e)	500	500
Paragraph 11(3)(a)	500	500
Subparagraph 11(3)(b)(i)	500	500
Subparagraph 11(3)(b)(ii)	500	500
Subparagraph 11(4)(a)(i)	500	500
Subparagraph 11(4)(a)(ii)	500	500
Subsection 12(1)	500	500
Paragraph 13(a)	500	500
Paragraph 13(b)	500	500
Paragraph 13(c)	500	500
Subparagraph 13(d)(i)	500	500
Subparagraph 13(d)(ii)	500	500
Subsection 15(1)	500	500
Paragraph 16(a)	500	500
Paragraph 16(b)	500	500
Paragraph 16(c)	500	500
Subparagraph 16(d)(i)	500	500
Subparagraph 16(d)(ii)	500	500

COLUMN I
DESIGNATED PROVISION

COLUMN II
MAXIMUM AMOUNT
OF PENALTY

Air Carrier Security Regulations

(Air Regulations, Series VIII, No. 1)

Subsection 4(2)	\$ 5000	\$ 25000
Section 11	3000	10000
Paragraph 16(a)	5000	25000
Paragraph 16(b)	5000	25000
Paragraph 16(c)	5000	25000
Paragraph 16(d)	5000	25000

Aerodrome Security Regulations

(Air Regulations, Series VIII, No. 2)

Subsection 4(2)	5000	25000
Subsection 4(3)	5000	25000
Paragraph 11(1)(a)	3000	10000
Paragraph 11(1)(b)	3000	10000
Paragraph 11(1)(c)	3000	10000
Paragraph 11(1)(d)	3000	10000
Paragraph 11(1)(e)	3000	10000
Paragraph 11(2)(a)	3000	10000
Paragraph 11(2)(b)	3000	10000
Paragraph 11(2)(c)	3000	10000
Paragraph 11(2)(d)	3000	10000
Section 12	3000	10000
Subsection 13(1)	1000	5000
Subsection 13(2)	1000	5000
Paragraph 14(1)(a)	1000	5000
Paragraph 14(1)(b)	1000	5000
Paragraph 14(1)(c)	1000	5000
Paragraph 14(1)(d)	1000	5000
Subsection 14(2)	1000	5000
Subsection 15(1)	3000	10000
Subsection 15(3)	1000	5000
Subsection 15(4)	1000	5000
Subsection 16(1)	1000	5000
Subsection 17(1)	5000	25000
Subsection 17(2)	5000	25000
Section 18	5000	25000
Subsection 19(1)	1000	5000

COLUMN I
DESIGNATED PROVISION

COLUMN II
MAXIMUM AMOUNT
OF PENALTY

Paragraph 19(2)(a)	\$ 3000	\$ 10000
Paragraph 19(2)(b)	3000	10000
Paragraph 19(3)(a)	3000	10000
Paragraph 19(3)(b)	3000	10000
Paragraph 19(4)(a)	3000	10000
Paragraph 19(4)(b)	3000	10000
Subsection 19(5)	3000	10000
Subsection 20(1)	3000	-
Subsection 20(2)	3000	-
Subsection 20(3)	1000	-
Paragraph 20(4)(a)	5000	-
Paragraph 20(4)(b)	5000	-
Paragraph 20(5)(a)	3000	-
Paragraph 20(5)(b)	3000	-
Paragraph 20(6)(a)	3000	10000
Paragraph 20(6)(b)	3000	10000
Subsection 20(7)	3000	-
Section 21	1000	5000
Section 22	5000	25000

ATTACHMENT 1 -4

REGULATIONS RESPECTING THE IDENTIFICATION OF
AIRCRAFT AND OTHER AERONAUTICAL PRODUCTS

(Air Regulations, Series II, No. 1)

SHORT TITLE

1. These Regulations may be cited as the *Identification of Aircraft and Other Aeronautical Products Regulations*.

INTERPRETATION

2. In these Regulations,
 - "aircraft identification plate" means a fireproof plate that is attached to an aircraft pursuant to section 4 or 5 and that identifies the aircraft as a whole; (*plaque d'identification d'aéronef*)
 - "Airworthiness Manual" means the Airworthiness Manual, as amended from time to time and as defined in subsection 101(1) of the Air Regulations; (*Manuel de navigabilité*)
 - "appliance" means any instrument, mechanism, equipment, apparatus or accessory that is
 - (a) used, or intended to be used, in operating or controlling an aircraft in flight,
 - (b) installed in or attached to, or intended to be installed in or attached to, that aircraft, and
 - (c) not part of the airframe, engine or propeller of that aircraft; (*appareillage*)
 - "approval number" means a number assigned by the Minister to a manufacturer to identify the manufacturer as a manufacturer in respect of which a manufacturing approval has been granted in accordance with the applicable standards of airworthiness; (*numéro d'approbation*)
 - "balloon" means a lighter-than-air aircraft that is not engine driven; (*ballon*)
 - "component" means any material, part or subassembly that is used, or intended to be used, on an aeronautical product; (*composant*)
 - "Engineering and Inspection Manual" means the Engineering and Inspection Manual, as amended from time to time and as defined in subsection 101(1) of the Air Regulations; (*Manuel du mécanicien et de l'inspecteur*)
 - "identification plate" means a fireproof plate bearing the information required by section 11 or subsection 12(2), 13(2) or 14(2); (*plaque d'identification*)
 - "lighter-than-air aircraft" means an aircraft supported by its buoyancy in the air; (*aérostat*)
 - "manufacturer's instructions for continued airworthiness", in respect of a component, means instructions for continued airworthiness issued by the manufacturer of the aeronautical product on which the component is used or intended to be

used; (*instructions du constructeur ou du fabricant relatives au maintien de la navigabilité*)

"manufacturer's maintenance manual", in respect of a component, means a maintenance manual issued by the manufacturer of the component or by the manufacturer of the aeronautical product on which the component is used or intended to be used; (*manuel d'entretien*)

"Minister" means the Minister of Transport; (*ministre*)

"owner", in respect of an aircraft, means the person who has legal custody and control of the aircraft; (*propriétaire*)

"standard of airworthiness" means a standard of airworthiness as defined in subsection 101(1) of the Air Regulations; (*norme de navigabilité*)

"type approval", in respect of an aircraft, aircraft engine, propeller or appliance, means a document issued by the Minister that certifies that the type design of the aeronautical product complies with the requirements of the approval basis applicable to the aeronautical product; (*homologation de type*)

"ultra-light aeroplane" means an ultra-light aeroplane as defined in subsection 101(1) of the Air Regulations. (*avion ultra-léger*)

APPLICATION

3. These Regulations do not apply in respect of an aircraft that, pursuant to subsection 17(1) of the *Aircraft Marking and Registration Regulations*, is not required to be registered.

AIRCRAFT IDENTIFICATION PLATES

4.(1) Subject to subsection (2), where a person manufactures an aircraft, or obtains an authorization referred to in subsection (5), the manufacturer or owner of the aircraft, as the case may be, shall attach an aircraft identification plate bearing the information required by subsection (3) or (4), as applicable,

(a) in the case of an aircraft other than an ultra-light aeroplane or a balloon, to the hull, fuselage or equivalent structure of the aircraft in a place where it is legible to a person on the ground, either adjacent to and aft of the rearmost entrance door or on the fuselage surface near the tail surfaces;

(b) in the case of an ultra-light aeroplane, to the hull, fuselage or equivalent structure of the aeroplane in a place where it is visible from the operator's position; and

(c) in the case of a balloon, to the lower portion of the envelope in a place where it is visible from the operator's position while the balloon is inflated.

(2) Where the configuration of an aircraft precludes the attachment of an aircraft identification plate in accordance with subsection (1), the Minister may, on application in writing by the manufacturer or owner of the aircraft, authorize an alternate location for the attachment of the aircraft identification plate.

(3) An aircraft identification plate attached to an aircraft in accordance with subsection (1) or in a location authorized pursuant to subsection (2) shall have the following information etched, engraved or permanently stamped on it, or marked on it in a manner approved by the Minister:

- (a) the name of the manufacturer, and where the manufacturer is a corporation, its legally incorporated name;
- (b) the manufacturer's model designation;
- (c) the aircraft serial number;
- (d) the type approval designation, if any;
- (e) the date and place of manufacture of the aircraft; and
- (g) any other information required by the Minister.

(4) An aircraft identification plate attached to an ultra-light aeroplane in accordance with subsection (1) or in a location authorized pursuant to subsection (2) shall contain, in addition to the information required by subsection (3), the registration marks issued in respect of that ultra-light aeroplane pursuant to the *Aircraft Marking and Registration Regulations*.

(5) Where an aircraft does not have an aircraft identification plate attached to it, the owner of the aircraft shall apply for a written authorization from the Minister to attach an aircraft identification plate to the aircraft.

(6) The Minister shall authorize in writing the attachment of an aircraft identification plate to an aircraft where the owner of the aircraft provides evidence that establishes the identity of the aircraft.

5. Where a person modifies an aircraft in accordance with the design data approved by the Minister for the aircraft, and the modification results in a change in the model designation, the person shall attach to the aircraft, as near as possible to the original aircraft identification plate, an additional aircraft identification plate on which the following information is etched, engraved or permanently stamped, or marked in a manner approved by the Minister:

- (a) the name of the person who performed the modification, and where that person is a corporation, its legally incorporated name;
- (b) the new model designation;
- (c) the aircraft serial number;
- (d) the supplemental type approval designation, if any;
- (e) the approval number for the modification, if any;
- (f) the date on which, and the place where, the modification was performed; and
- (g) any other information required by the Minister.

REMOVAL OR ALTERATION OF AIRCRAFT IDENTIFICATION PLATES

6. No person shall remove or alter information on an aircraft identification plate unless the person is authorized to do so by the Minister in writing.

7.(1) No person shall remove an aircraft identification plate unless the person

- (a) is authorized to do so by the Minister in writing; or
- (b) removes it for the purpose of performing work in accordance with the *Engineering and Inspection Manual* or the *Airworthiness Manual*.

(2) Where, pursuant to paragraph (1)(b), a person removes an aircraft identification plate for the purpose of performing work, the person shall, forthwith after performing the work, reattach the aircraft identification plate in accordance with section 4 or 5, as applicable.

(3) No person shall attach to an aircraft an aircraft identification plate that was attached to another aircraft, unless the person

- (a) is authorized to do so by the Minister in writing; and
- (b) complies with any conditions set out by the Minister in the authorization.

8.(1) Where an aircraft identification plate is lost, stolen or defaced, the owner of the aircraft shall

- (a) apply for a written authorization from the Minister to attach a replacement aircraft identification plate; and
- (b) where the authorization is granted, attach the replacement aircraft identification plate in accordance with section 4 or 5, as applicable.

(2) The Minister shall authorize in writing the attachment of a replacement aircraft identification plate to an aircraft where the owner of the aircraft provides evidence that establishes the identity of the aircraft.

ENGINE AND PROPELLER IDENTIFICATION

9.(1) Where a person manufactures an aircraft engine or aircraft engine module, the person shall put information on it, or attach to it an identification plate, in accordance with section 11.

(2) Where, pursuant to subsection (1), a person puts information on or attaches an identification plate to an aircraft engine or aircraft engine module, the person shall locate the information or identification plate in an accessible place where it is not likely to become detached or be lost, destroyed or defaced during normal operation or in an accident.

10.(1) Where a person manufactures a fixed pitch propeller, a propeller blade or a propeller hub, the person shall put information on it, or attach to it an identification plate, in accordance with section 11.

(2) Where, pursuant to subsection (1), a person puts information on or attaches an identification plate to a fixed pitch propeller, a propeller blade or a propeller hub, the person shall locate the information or the identification plate on a non-critical surface of the propeller hub of the fixed pitch propeller or on a non-critical surface of the propeller blade or propeller hub where the information or identification plate is not likely to become detached or be lost, destroyed or defaced during normal operation or in an accident.

11. The following information shall be etched, engraved or permanently stamped, or marked in a manner approved by the Minister, on an aircraft engine or an aircraft engine module or on an identification plate attached to an aircraft engine or an aircraft engine module pursuant to subsection 9(1), or on a fixed pitch propeller, a propeller blade or a propeller hub or on an identification plate attached to a fixed pitch propeller, a propeller blade or a propeller hub pursuant to subsection 10(1):

- (a) the name of the manufacturer, and where the manufacturer is a corporation, its legally incorporated name;
- (b) the manufacturer's model designation;
- (c) the aeronautical product serial number;
- (d) the type approval designation, if any;
- (e) the approval number, if any;
- (f) in the case of an aircraft engine, the power rating established for the engine by the manufacturer; and
- (g) any other information required by the Minister.

COMPONENT IDENTIFICATION

12.(1) On or after April 1, 1991, where a person manufactures a component for which a life limitation is specified in the airworthiness limitations section of the manufacturer's maintenance manual or in the manufacturer's instructions for continued airworthiness, the person shall put information on the component, or attach to it an identification plate, in accordance with subsection (2).

(2) The following information shall be etched, engraved or permanently stamped, or marked in a manner approved by the Minister, on a component or on an identification plate attached to a component:

- (a) the part number of the component or an equivalent series of identifying characters; and
- (b) the serial number of the component or an equivalent series of identifying characters.

BASKET AND HEATER ASSEMBLY IDENTIFICATION PLATES

13.(1) Where a person manufactures a basket or a heater assembly for a balloon, the person shall attach to it an identification plate bearing the information required by subsection (2).

(2) The following information shall be etched, engraved or permanently stamped, or marked in a manner approved by the Minister, on an identification plate attached to a basket or a heater assembly for a balloon:

- (a) the name of the manufacturer, and where the manufacturer is a corporation, its legally incorporated name;
- (b) the part number of the basket or the heater assembly or an equivalent series of identifying characters; and
- (c) the serial number of the basket or the heater assembly or an equivalent series of identifying characters.

APPLIANCE IDENTIFICATION

14.(1) Where a person manufactures an appliance for which there is an airworthiness standard in the *Airworthiness Manual*, the person shall put information on the appliance or attach to it an identification plate in accordance with subsection (2).

(2) The following information shall be etched, engraved or permanently stamped, or marked in a manner approved by the Minister, on an appliance or on an identification plate attached to an appliance:

- (a) the name, address and approval number of the manufacturer, and where the manufacturer is a corporation, its legally incorporated name;
- (b) the name, type, part number or model designation of the appliance;
- (c) the serial number or the date of manufacture of the appliance; and
- (d) the type approval designation or the number of the airworthiness standard with which the appliance complies.

REMOVAL OR ALTERATION OF INFORMATION OR IDENTIFICATION PLATES FROM AERONAUTICAL PRODUCTS OTHER THAN AIRCRAFT

15. No person shall remove or alter information that, pursuant to section 11 or subsection 12(2), 13(2) or 14(2), is on an identification plate or aeronautical product other than an aircraft, unless

- (a) the person is authorized to do so by the Minister in writing; or
- (b) the removal or alteration is necessitated by a change in the design data approved by the Minister.

16.(1) No person shall remove an identification plate that, pursuant to subsection 9(1), 10(1), 12(1), 13(1) or 14(1), is attached to an aeronautical product other than an aircraft, unless the person

- (a) is authorized to do so by the Minister in writing; or
- (b) removes it for the purpose of performing work in accordance with the *Engineering and Inspection Manual* or the *Airworthiness Manual*.

(2) Where, pursuant to paragraph (1)(b), a person removes an identification plate for the purpose of performing work, the person shall, forthwith after performing the work, reattach the identification plate in accordance with sections 9, 10, 12, 13 or 14.

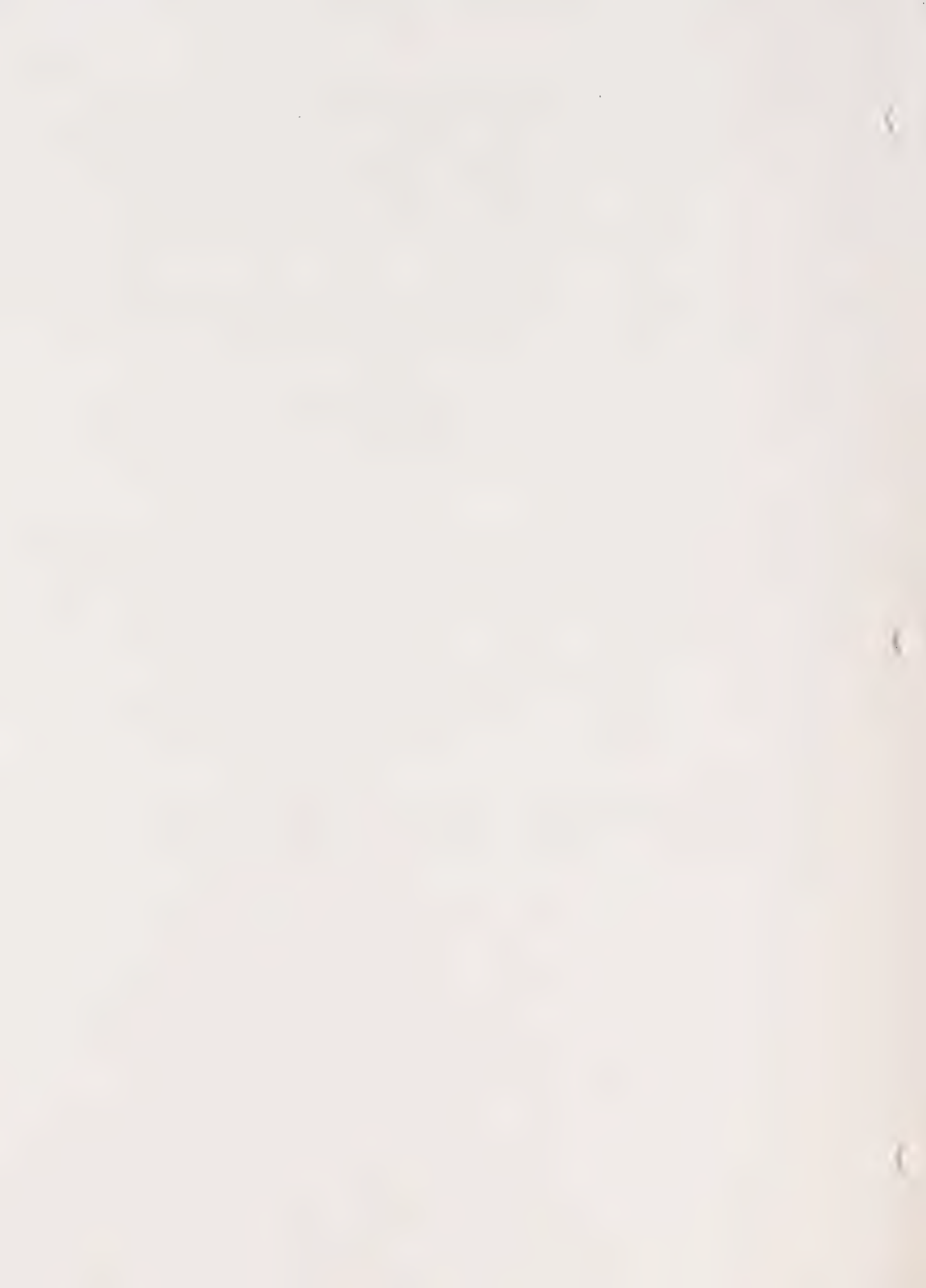
(3) No person shall attach to an aeronautical product other than an aircraft an identification plate that was attached to another aeronautical product, unless the person

- (a) is authorized to do so by the Minister in writing; and
- (b) complies with any conditions set out by the Minister in the authorization.

17.(1) Where information appearing on an aeronautical product other than an aircraft, or on an identification plate attached to an aeronautical product pursuant to section 11 or subsection 12(2), 13(2) or 14(2) is removed or altered, or where an identification plate attached to such aeronautical product is lost, stolen or defaced, the owner of the aeronautical product shall

- (a) apply for a written authorization from the Minister to replace or alter the information on the aeronautical product or to attach a replacement identification plate; and
- (b) where the authorization is granted, replace or alter the information on the aeronautical product, or attach the replacement identification plate, in accordance with section 9, 10, 12, 13 or 14.

(2) The Minister shall authorize in writing the replacement or alteration of information on, or the attachment of a replacement identification plate to, an aeronautical product other than an aircraft, where the owner of the product provides evidence that establishes the identity of the product.



ATTACHMENT 1 - 5

REGULATIONS RESPECTING THE MARKING AND REGISTRATION OF
AIRCRAFT

(Air Regulations, Series II, No. 2)

SHORT TITLE

1. These Regulations may be cited as the *Aircraft Marking and Registration Regulations*.

INTERPRETATION

2. In these Regulations,
 - "Act" means the *Aeronautics Act*; (*Loi*)
 - "air show" means an aerial display or demonstration before an assembly of persons by one or more aircraft; (*spectacle aérien*)
 - "aircraft identification plate" means an aircraft identification plate as defined in section 2 of the *Identification of Aircraft and Other Aeronautical Products Regulations*; (*plaque d'identification d'aéronef*)
 - "airship" means an engine driven lighter-than-air aircraft; (*dirigeable*)
 - "balloon" means a lighter-than-air aircraft that is not engine driven; (*ballon*)
 - "Canadian aircraft" means an aircraft that is registered pursuant to section 22; (*aéronef canadien*)
 - "*Canadian Civil Aircraft Register*" means the Canadian Civil Aircraft Register
 - "certificate established pursuant to section 50; (*Registre des aéronefs civils canadiens*)
 - "certificate of registration" means a certificate of registration issued pursuant to section 25 and, for the purposes of section 26, includes a certificate of registration issued by a contracting state or a foreign state that has an agreement in force with Canada that allows an aircraft that is registered in that foreign state to be operated in Canada; (*certificat d'immatriculation*)
 - "commercial aircraft" means an aircraft that is registered as a commercial aircraft pursuant to paragraph 22(1)(b); (*aéronef commercial*)
 - "contracting state" means a state that is a party to the Convention on International Civil Aviation signed on behalf of Canada at Chicago on December 7, 1944; (*état contractant*)
 - "flight permit" means a flight permit issued by the Minister pursuant to section 211 of the *Air Regulations*; (*permis de vol*)
 - "flight time" means the total time from the moment an aircraft first moves under its own power for the purpose of taking off until the moment it comes to rest at the end of the flight; (*temps de vol*)

- "hang glider" means a non-powered heavier-than-air aircraft that derives its lift from surfaces that remain fixed in flight, designed to carry not more than two persons and having a launch weight of 45 kg (99.2 pounds) or less; (*aile libre*)
- "heavier-than-air aircraft" means an aircraft deriving its lift from aerodynamic forces; (*aérodynes*)
- "left side" means the left side of an aircraft when facing forward from the pilot seat; (*côté gauche*)
- "lighter-than-air aircraft" means an aircraft supported by its buoyancy in the air; (*aérostat*)
- "marks", in respect of an aircraft, means the nationality mark and the registration mark; (*marques*)
- "military aircraft" means an aircraft that
- (a) is provided for the Canadian Forces in accordance with the National Defence Act,
 - (b) is provided for the armed forces of a foreign state, or
 - (c) is operated, leased or loaned under the authority of the Canadian Forces or the armed forces of a foreign state; (*aéronef militaire*)
- "Minister" means the Minister of Transport; (*ministre*)
- "model aircraft" means an aircraft the total weight of which does not exceed 35 kg (77.2 pounds), that is mechanically driven or launched in any way into flight for recreational purposes and that is not designed to carry persons or other living creatures; (*modèle réduit d'aéronef*)
- "nationality mark" means a symbol, letter or numeral, or a combination thereof, used by a state to indicate the nationality of aircraft that are registered in that state; (*marque de nationalité*)
- "operating certificate" means a certificate issued by the Minister pursuant to section 700 of the *Air Regulations*; (*certificat d'exploitation*)
- "owner", in respect of an aircraft, means the person who has legal custody and control of the aircraft; (*propriétaire*)
- "permanent resident" means a permanent resident as defined in subsection 2(1) of the Immigration Act; (*résident permanent*)
- "private aircraft" means an aircraft that is registered as a private aircraft pursuant to paragraph 22(1)(c); (*aéronef privé*)
- "registered", in respect of an aircraft, means registered pursuant to sections 18 and 22 or pursuant to the laws of a foreign state; (*immatriculé*)
- "registration mark" means the combination of letters or letters and numerals that is issued in respect of an aircraft by a state as a registration identification; (*marque d'immatriculation*)
- "rotorcraft" means an engine driven heavier-than-air aircraft supported in flight by the reactions of the air on one or more rotors; (*giravion*)
- "serviceable", in respect of an aircraft, means in a fit and safe condition for flight; (*en état de service*)
- "special mark" means any registration mark specifically requested by an applicant; (*marque spéciale*)
- "standard of airworthiness" means a standard of airworthiness as defined in subsection 101(1) of the *Air Regulations*; (*norme de navigabilité*)

"state aircraft" means an aircraft that is registered as a state aircraft pursuant to paragraph 22(1)(a); (*aéronef d'État*)

"type approval", means a type approval as defined in section 2 of the *Identification of Aircraft and Other Aeronautical Products Regulations*; (*homologation de type*)

"ultra-light aeroplane" means an ultra-light aeroplane as defined in subsection 101(1) of the *Air Regulations*; (*avion ultra-léger*)

"vintage aircraft" means an aircraft that was manufactured prior to January 1, 1957. (*aéronef d'époque*).

MARKS OF AIRCRAFT

3.(1) Subject to subsection (2), no person shall operate an aircraft in Canada unless its marks are clean and visible and are displayed

(a) in the case of a Canadian aircraft, in accordance with sections 7 to 15; and

(b) in the case of an aircraft registered in a foreign state, in accordance with the laws of that foreign state.

(2) The Minister shall, in writing, authorize the operation in Canada of an aircraft that does not display its marks, if the aircraft is to be operated for the purpose of an exhibition, air show, motion picture production or television production, or for any other purpose that is in the public interest, and in the authorization may specify conditions governing the operation of the aircraft as necessary for its safe and proper operation.

(3) No person shall operate an aircraft pursuant to an authorization issued under subsection (2) unless the authorization is on board and the aircraft is operated in accordance with any conditions specified therein.

4.(1) The Minister shall, on receipt of an application,

(a) issue a registration mark in respect of an aircraft if the application meets the requirements of subsection (2); and

(b) reserve a registration mark in respect of an aircraft if the application meets the requirements of subsection (3).

(2) An application for the issue of a registration mark in respect of an aircraft shall include the following information and evidence:

(a) the name of the manufacturer of the aircraft, the manufacturer's model designation of the aircraft and the manufacturer's serial number of the aircraft;

(b) the location of the aircraft;

(c) a statement indicating whether the aircraft is new, used or being manufactured;

(d) the applicant's name and address;

(e) the applicant's telephone number, if any;

- (f) except in the case of an application by Her Majesty in right of Canada or a province, evidence that establishes that the applicant is qualified pursuant to section 19, or meets the requirements set out in section 20, to be the registered owner of a Canadian aircraft;
- (g) an estimate of the date on which the applicant will apply for registration of the aircraft; and
- (h) such other information in respect of the aircraft as the Minister considers necessary.

(3) An application for the reservation of a registration mark in respect of an aircraft shall include the following information and evidence:

- (a) the applicant's name and address;
- (b) the applicant's telephone number, if any; and
- (c) except in the case of an application by Her Majesty in right of Canada or a province, evidence that establishes that the applicant is qualified pursuant to section 19, or meets the requirements set out in section 20, to be the registered owner of a Canadian aircraft.

(4) A registration mark issued pursuant to paragraph (1)(a) is revoked if the aircraft is not registered in Canada

- (a) in the case of an ultra-light aeroplane, within 60 days after the day on which the registration mark was issued; and
- (b) in the case of any other aircraft, within 12 months after the day on which the registration mark was issued.

(5) The reservation of a registration mark pursuant to paragraph (1)(b) expires one year after the day on which the mark was reserved.

(6) Before any registration mark or special mark is reserved or issued, the applicant shall remit to the Minister the appropriate charge prescribed in the *Aircraft Marking and Registration Charges Regulations*.

5.(1) Subject to subsection (2), the nationality mark in respect of a Canadian aircraft shall be the letter "C" and the registration mark in respect of the aircraft shall be a combination of four letters that is specified by the Minister.

(2) Subject to subsection (3), where an aircraft was registered in Canada before January 1, 1974 or is a vintage aircraft, the nationality mark in respect of the aircraft may be the letters "CF" and the registration mark in respect of the aircraft may be a combination of three letters that is specified by the Minister.

(3) Where the owner of an aircraft, other than a vintage aircraft, that has the letters "CF" as its nationality mark and a combination of three letters as its registration mark repaints the aircraft, the owner shall, prior to operating the aircraft, change the nationality mark to the letter "C" and the registration mark to the letter "F" followed by the combination of three letters.

(4) Where the owner of a vintage aircraft that has or had as its nationality mark the letters "CF" followed by a registration mark consisting of a combination of three letters, or has or had as its nationality mark the letter "C" followed by a registration mark consisting of a combination of four letters the first of which is "F", repaints the aircraft, the owner shall, prior to operating the aircraft,

- (a) apply or reapply, as the case may be, as the nationality mark the letters "CF" followed by the registration mark consisting of the combination of three letters; or
- (b) apply or reapply, as the case may be, as the nationality mark the letter "C" followed by the registration mark consisting of the combination of four letters the first of which is "F".

(5) Where the owner of an aircraft changes its marks pursuant to subsection (3) or (4), the owner shall, prior to operating the aircraft, notify the Minister in writing of the change, and the Minister shall change the marks accordingly in the *Canadian Civil Aircraft Register* and issue a new registration certificate to reflect the change.

6. Where, pursuant to paragraph 22(2)(c), a continuing registration has been granted in respect of an aircraft, no person shall remove or change the marks that are displayed on the aircraft unless

- (a) the aircraft is permanently withdrawn from service;
- (b) the aircraft is being exported from Canada;
- (c) during a maintenance operation, it is necessary to remove the marks for the purpose of repainting or reaffixing the marks;
- (d) the marks are changed pursuant to subsection 5(3) or (4);
- (e) pursuant to section 47, the Minister requests that the marks be removed; or
- (f) the Minister is of the opinion that the marks are disreputable or embarrassing and authorizes their removal or change.

VARIANCE FROM THE SPECIFICATIONS FOR MARKS

7.(1) Where an aircraft that was formerly a military aircraft, or a replica thereof, retains military colours and markings, the Minister may, on application in writing by the registered owner, authorize an alternate size, location or colour for the display of its marks, where it is in the public interest and not detrimental to aviation safety.

(2) Where, pursuant to subsection (1), the Minister authorizes an alternate size, location or colour for the display of the marks of an aircraft, the marks shall be displayed accordingly.

(3) An applicant for an authorization referred to in subsection (1) shall include in the application

- (a) evidence that establishes that the aircraft retains military colours and markings; and

(b) a suggested alternate size, location or colour for the display of the marks in which the marks would be clearly identifiable.

8.(1) Where the configuration of an aircraft precludes its marks from being displayed in accordance with sections 9 to 15, the Minister shall, on application in writing by the registered owner, authorize an alternate size or one or more alternate locations for the display of its marks.

(2) Where, pursuant to subsection (1), the Minister authorizes an alternate size or one or more alternate locations for the display of the marks of an aircraft, the marks shall be displayed accordingly.

(3) An applicant for an authorization referred to in subsection (1) shall include in the application

(a) evidence that establishes that the configuration of the aircraft precludes its marks from being displayed in accordance with sections 9 to 15; and

(b) a suggested alternate size or one or more alternate locations for the display of the marks in which the marks would be clearly identifiable.

SPECIFICATIONS FOR MARKS

9.(1) The marks displayed on an aircraft shall be

(a) subject to section 10, painted on the aircraft or be affixed to it by a means that provides a degree of permanence similar to that of paint;

(b) distinct and not obscured or confused by a symbol or letter that is not part of the marks;

(c) in block letters

(i) in Roman type without ornamentation or serifs, and

(ii) formed by solid lines that contrast in colour with the background colour of the aircraft; and

(d) displayed so that there is a margin of not less than 5 cm (1.970 inches) between the edge of each letter of the marks and each edge of the surface on which the marks are displayed.

(2) The nationality mark and the registration mark displayed on an aircraft shall be separated by a hyphen.

10.(1) Where a manufacturer operates an aircraft within Canada for the purpose of a production test flight, a customer acceptance flight or a flight undertaken to complete the manufacturing process or to export the aircraft, in accordance with an authorization issued by the Minister pursuant to subsection 17(3), the manufacturer shall

(a) affix the marks once on each side of the aircraft fuselage or cabin by a means that

- (i) ensures that the marks will not be detached or erased while the aircraft is in operation, and
 - (ii) allows the marks to be removed after the operation;
- (b) prior to the operation of the aircraft, advise the Minister in writing of
 - (i) the marks that have been affixed to the aircraft,
 - (ii) the manufacturer's model designation, and
 - (iii) the serial number of the aircraft; and
- (c) after the completion of the operation of the aircraft for the purpose specified in this subsection,
 - (i) remove the marks, and
 - (ii) notify the Minister in writing of their removal.

(2) For the purposes of subsection (1), the Minister may issue a block of marks to a manufacturer.

11.(1) Except in the circumstances described in subsection 10(1), the marks of a rotorcraft shall be displayed

- (a) once on the bottom surface of the fuselage or cabin, parallel to the longitudinal axis and with the letters arranged with their tops toward the left side; and
- (b) once parallel to the longitudinal axis
 - (i) on each side of the fuselage or cabin, below the window line and as near to the cockpit as possible,
 - (ii) on each side of the upper half of the vertical tail surface,
 - or
 - (iii) on each side of the tail boom.

(2) Except in the circumstances described in subsection 10(1), the marks of a heavier-than-air aircraft, other than a rotorcraft, shall be displayed

- (a) where the aircraft has one set of wings, once on the bottom surface of the wings or, where the aircraft has more than one set of wings, once on the bottom surface of the lowest wings,
 - (i) extending from wing tip to wing tip or on the left wing only,
 - (ii) equidistant, to the extent possible, from the leading and the trailing edges, and
 - (iii) with the letters arranged with their tops toward the leading edge; and
- (b) once parallel to the longitudinal axis
 - (i) subject to subsection (5), on each side of the fuselage or equivalent structure, in the area between the wing and the tail surface,
 - (ii) on each side of the upper half of the vertical tail surface,
 - or
 - (iii) on each side of the tail boom.

- (3) The marks displayed pursuant to subparagraph (1)(b)(ii) or (2)(b)(ii) shall be displayed
- (a) in the case of a single vertical tail, on each side surface of the tail; or
 - (b) in the case of a multi-vertical tail, on each outboard surface of the tail.

- (4) The marks displayed pursuant to subparagraph (1)(b)(iii) or (2)(b)(iii) shall be displayed

- (a) in the case of a single-boom tail, on each side surface of the boom; or
- (b) in the case of a multi-boom tail, on each outboard surface of each boom.

(5) Where an engine pod or other appurtenance occupies the area between the wing and the tail surface of a heavier-than-air aircraft and is an integral part of the side surface of the fuselage or equivalent structure, the marks of the aircraft shall be displayed on the outboard surface.

12.(1) The marks of an airship shall be displayed in the manner described in subsection (2) or (3).

- (2) The marks of an airship may be displayed parallel to the longitudinal axis

- (a) once on each side of the hull or envelope in a place that
 - (i) is as near as possible to the maximum width of the airship, determined by a transverse cross-section, and
 - (ii) allows the marks to be clearly visible from a point on the ground beneath the airship; and
- (b) once on the uppermost surface of the hull or envelope, straddling, to the extent possible, the plane of symmetry of the airship and with the letters arranged with their tops toward the left side.

(3) The marks of an airship may be displayed on the horizontal and vertical stabilizers of the airship as follows:

- (a) once on the upper right surface and once on the lower left surface of the horizontal stabilizer, with the letters arranged with their tops toward the leading edge of the stabilizer; and
- (b) on the bottom half of the vertical stabilizer, parallel to the longitudinal axis of the airship,
 - (i) once on each surface, in the case of a single stabilizer, or
 - (ii) once on each outboard surface, in the case of a multi-vertical stabilizer.

13.(1) The marks of a spherical balloon shall be displayed horizontally at each of two diametrically opposite positions near the maximum horizontal circumference of the envelope.

(2) The marks of a non-spherical balloon shall be displayed horizontally at each of two diametrically opposite positions near the maximum horizontal cross-section of the envelope, immediately above the rigging band or the points of the attachment of the gondola suspension cables.

(3) The marks of a balloon registered prior to the coming into force of these Regulations may be displayed vertically.

14. The marks displayed on the side of a lighter-than-air aircraft shall be clearly visible from the ground on that side of the aircraft.

15.(1) All of the letters in the marks displayed on an aircraft shall be of equal height.

(2) Subject to subsections (3) and (4), the height of each letter in the marks displayed on a heavier-than-air aircraft shall be not less than 15 cm (5.9 inches).

(3) The height of each letter in the marks displayed on the bottom surface of a wing of a heavier-than-air aircraft shall be not less than 50 cm (19.68 inches).

(4) The height of each letter in the marks displayed on the bottom surface of the fuselage or cabin of a rotorcraft shall be the lesser of

(a) 50 cm (19.68 inches), and

(b) four fifths of the width of the fuselage or cabin.

(5) The height of each letter in the marks displayed on a lighter-than-air aircraft shall be not less than 50 cm (19.68 inches).

(6) The width of each letter in the marks displayed on an aircraft, other than the letters "I", "M" and "W", shall be two thirds of the letter's height.

(7) The width of the letter "I" in the marks displayed on an aircraft shall be one sixth of the letter's height.

(8) The width of the letter "M" or "W" in the marks displayed on an aircraft shall not exceed the letter's height.

(9) The length of a hyphen in the marks displayed on an aircraft shall be two thirds of the height of any letter in the marks.

(10) The thickness of the lines of a letter or hyphen in the marks displayed on an aircraft shall be one sixth of the height of any letter in the marks.

(11) The letters in the marks displayed on an aircraft shall be displayed adjacent to each other in a series.

(12) Adjacent letters in the marks displayed on an aircraft shall be separated by a space that is not less than one quarter of the width of the letter "C" in the marks.

(13) A letter in the marks displayed on an aircraft that is adjacent to a hyphen shall be separated from the hyphen by a space that is not less than one quarter of the width of the letter "C" in the marks.

MARK PLATE

16. No person shall operate a Canadian aircraft unless
- (a) the marks of the aircraft are etched, engraved or permanently stamped, or marked in a manner approved by the Minister, on a fireproof mark plate; and
 - (b) the plate is affixed to the aircraft
 - (i) in the case of an aircraft other than an ultra-light aeroplane, in a prominent position near the main entrance of the aircraft, and
 - (ii) in the case of an ultra-light aeroplane, in a prominent position near the pilot seat.

REGISTRATION OF AIRCRAFT

- 17.(1) This section does not apply in respect of an aircraft that is
- (a) a hang glider;
 - (b) a model aircraft;
 - (c) a military aircraft; or
 - (d) of a class or type that the Minister, pursuant to subsection .9(2) of the Act, exempts from the requirement of registration.

(2) Except as otherwise authorized pursuant to subsection (3) or (4) or 36(3), no person shall operate an aircraft in Canada unless it is registered in Canada, in a contracting state or in a foreign state that has an agreement in force with Canada that allows an aircraft that is registered in that foreign state to be operated in Canada.

(3) The Minister may, in writing, authorize the operation in Canada of a new aircraft that is not registered, and in the authorization may specify conditions governing the operation of the aircraft as necessary for its safe and proper operation, if

- (a) the aircraft was manufactured in Canada;
- (b) the aircraft is operated by the manufacturer;
- (c) the aircraft is operated within Canada for the purpose of
 - (i) a production test flight,
 - (ii) a customer acceptance flight, or
 - (iii) a flight undertaken to complete the manufacturing process or to export the aircraft;
- (d) the aircraft has accumulated a total of not more than 50 hours of flight time;

- (e) a registration mark has been issued in respect of the aircraft pursuant to paragraph 4(1)(a);
- (f) the aircraft displays its marks in accordance with sections 8 to 15;
- (g) the manufacturer is qualified pursuant to section 19, or meets the requirements set out in section 20, to be the registered owner of a Canadian aircraft; and
- (h) the manufacturer manufactures aircraft for which a type approval has been issued.

(4) Where an aircraft is registered in a foreign state other than a contracting state, or other than a foreign state that has an agreement in force with Canada that allows an aircraft that is registered in that foreign state to be operated in Canada, the Minister may, in writing, authorize the operation of the aircraft in Canada, and in the authorization may specify conditions governing the operation of the aircraft as necessary for its safe and proper operation.

(5) No person, including a manufacturer, shall operate an aircraft pursuant to an authorization issued under subsection (3) or (4) unless the authorization is on board and the aircraft is operated in accordance with any conditions specified in the authorization.

18.(1) The Minister shall, on receipt of an application made in accordance with section 21, register an aircraft if

- (a) the owner of the aircraft is
 - (i) the Crown in right of Canada or a province, or
 - (ii) a person who is qualified pursuant to section 19, or meets the requirements set out in section 20, to be the registered owner of a Canadian aircraft;
- (b) the applicant includes in the application evidence that establishes that the applicant is the owner of the aircraft;
- (c) the aircraft is not registered in a foreign state;
- (d) a registration mark has been issued in respect of the aircraft pursuant to paragraph 4(1)(a);
- (e) the aircraft has an aircraft identification plate attached to it in accordance with section 4 of the; *Identification of Aircraft and Other Aeronautical Products Regulations*
- (f) in the case of an aircraft to be operated for the purpose of importing it into Canada, the requirements of subsection 34(2) are met; and
- (g) in the case of an ultra-light aeroplane, it meets the definition of an ultra-light single place aeroplane or ultra-light two place instructional aeroplane in subsection 101(1) of the *Air Regulations*.

(2) A person who applies to register in Canada an aircraft that was last registered in a foreign state, or that is a new aircraft that was manufactured in a foreign state, shall provide to the Minister evidence that establishes that the aircraft is not registered in the foreign state.

19.(1) An individual is qualified to be the registered owner of a Canadian aircraft if the individual is 16 years of age or older and is

- (a) a Canadian citizen; or
- (b) a permanent resident.

(2) Subject to subsection (3), a corporation is qualified to be the registered owner of a Canadian aircraft if

- (a) the corporation is incorporated by or under the laws of Canada or a province;
- (b) its principal place of business is in Canada;
- (c) not less than two thirds of its directors are Canadian citizens or permanent residents;
- (d) its executive head is a Canadian citizen or a permanent resident; and
- (e) not less than 75 per cent of the voting interest in the corporation is in fact owned and controlled by corporations that meet the requirements of this subsection or by Canadian citizens or permanent residents.

(3) A corporation that is the registered owner of a Canadian aircraft on the day on which these Regulations come into force continues to be qualified to be the registered owner of a Canadian aircraft under these Regulations until October 1, 1995 if

- (a) the corporation is incorporated by or under the laws of Canada or a province; and
- (b) in the case of a commercial aircraft, not less than two thirds of the directors of the corporation are Canadian citizens or permanent residents.

20.(1) Subject to subsection (2), the Minister shall register a private aircraft that is owned by a corporation that is incorporated by or under the laws of Canada or a province but does not meet the other requirements of subsection 19(2) .

(2) Subsection (1)

- (a) applies to corporations who are the registered sole owners of a private aircraft; and
- (b) applies until October 1, 1995 to corporations who are the registered co-owners of a private aircraft on the day on which these Regulations come into force.

(3) Where an application is made to the Minister for the registration of a private aircraft pursuant to subsection (1), the corporation shall provide the Minister with

- (a) a certified copy of its certificate of incorporation or another document of the same effect issued under the law pursuant to which the corporation has been incorporated; and
- (b) evidence that establishes that

- (i) the corporation is lawfully qualified to do business in Canada, and
- ii) the aircraft will, while registered in Canada, be based and used primarily in Canada.

(4) For the purpose of subparagraph (3)(b)(ii), an aircraft is based and used primarily in Canada if the total flight time accumulated in Canada by the aircraft

- (a) during the period beginning on the day after the date of registration of the aircraft and ending on the last day of the sixth month following the month in which it is registered is not less than 60 per cent of the total flight time accumulated by the aircraft during that period; and

- (b) during each six month period following the period described in paragraph (a) is not less than 60 per cent of the total flight time accumulated by the aircraft during that six month period.

(5) Where, pursuant to subsection (1), the Minister registers a private aircraft that is owned by a corporation, the corporation shall provide to the Minister, not more than seven days after the expiration of each period described in subsection (4), a report indicating

- (a) the total flight time of the aircraft accumulated during that period; and

- (b) the total flight time of the aircraft accumulated in Canada during that period.

(6) Where, pursuant to subsection (1), the Minister registers a private aircraft that is owned by a corporation, the corporation shall keep a record of the entries in the aircraft journey log for three years after the year in which the flight time recorded therein is accumulated, and shall make the record available to the Minister on request for inspection.

(7) Subject to subsection (8), where a corporation that is the registered owner of an aircraft registered pursuant to subsection (1) ceases or fails to meet the requirements of paragraph (3)(b) or subsection (5) or (6), the registration of the aircraft is cancelled.

(8) A corporation may apply to the Minister for, and the Minister shall grant, an exemption from the reporting requirements contained in subsection (5) if the corporation meets the requirements of subsection (6) and the corporation

- (a) has, since before October 1, 1990, been the registered owner of a Canadian private aircraft; or

- (b) has complied with the reporting requirements contained in subsection (5) for a period of five years from the date of the first registration pursuant to subsection (1) of an aircraft owned by the corporation.

(9) For the purposes of this section,

- (a) total flight time of the aircraft accumulated in Canada shall include non-stop flights between two points, where one of the points is in Canada; and
- (b) emergency, maintenance or refuelling stops shall not be considered interruptions of non-stop flights.

21.(1) Subject to subsections (3) and (4), an application to register an aircraft in Canada shall be made by submitting to the Minister a completed copy of the application in the form approved by the Minister, signed in ink

- (a) by each owner who is an individual;
- (b) by an authorized signing officer of each owner that is a corporation; or
- (c) by an authorized signing officer of Her Majesty, where Her Majesty in right of Canada or a province is the owner.

(2) Where two or more persons are the owners of an aircraft, an application to register the aircraft shall specify which of them shall be the nominee for the purpose of receiving requests, notices or documents sent by the Minister pursuant to these Regulations.

(3) Where an authorized signing officer of a corporation signs an application to register an aircraft, there shall be attached to the application evidence that establishes the signing authority of the officer.

(4) An application to register an aircraft may be signed by an agent on behalf of an owner if there is attached to the application evidence that establishes the signing authority of the agent..

22.(1) The Minister may register an aircraft

- (a) as a state aircraft;
- (b) subject to subsection (3), as a commercial aircraft; or
- (c) as a private aircraft.

(2) Where the Minister registers an aircraft, the Minister may grant

- (a) a provisional registration if the aircraft is to be operated for the purpose of importing it into Canada;
- (b) a temporary registration if
 - (i) the documentation, record entries and other administrative steps necessary to grant a continuing registration cannot be completed forthwith, and
 - (ii) it is in the public interest to do so; and
- (c) a continuing registration if
 - (i) the documentation, record entries and other administrative steps necessary to grant a continuing registration can be completed forthwith, and
 - (ii) it is in the public interest to do so.

(3) An aircraft shall not be registered as a commercial aircraft unless the applicant holds an operating certificate in respect of the aircraft type.

(4) The Minister may, in writing, authorize the operation for commercial purposes of an aircraft that is registered as a private aircraft pursuant to paragraph (1)(c), and in the authorization may specify conditions governing the operation of the aircraft as necessary for its safe and proper operation.

23. For the purpose of the registration in Canada of an aircraft other than a balloon,
- (a) the fuselage, hull or equivalent structure of the aircraft establishes its identity; and
 - (b) where the fuselage, hull or equivalent structure of the aircraft is scrapped, the aircraft is deemed to be destroyed.
24. For the purpose of the registration in Canada of a balloon,
- (a) the envelope of the balloon establishes its identity; and
 - (b) where the envelope of a balloon is scrapped, the balloon is deemed to be destroyed.

CERTIFICATES OF REGISTRATION

25.(1) Where the Minister registers an aircraft, the Minister shall issue to the registered owner of the aircraft

- (a) a provisional certificate of registration if the aircraft has a provisional registration.
- (b) a temporary certificate of registration if
 - (i) the aircraft has a temporary registration, or
 - (ii) the Minister intends to replace a continuing certificate of registration pursuant to section 27 or amend or replace a certificate of registration pursuant to subsection 28(1), but the documentation, record entries and other administrative steps necessary to amend or replace the certificate cannot be completed forthwith;
- (c) an interim certificate of registration if the aircraft has an interim registration; and
- (d) except in the circumstances described in subparagraph (b)(ii), a continuing certificate of registration if the aircraft has a continuing registration.

(2) Where the Minister grants a temporary registration, the Minister may specify in the temporary certificate of registration a date on which the temporary registration expires.

- (3) A temporary registration expires on the earliest of
- (a) the date specified in the temporary certificate of registration,
 - (b) 60 days after the day on which the temporary certificate of registration was issued,

- (c) the day on which there is a change in the legal custody and control of the aircraft; and
- (d) the day on which a continuing certificate of registration is issued in respect of the aircraft.

27. The Minister may replace a lost or destroyed certificate of registration of a Canadian aircraft on receipt of a written application in the form approved by the Minister.

28.(1) The Minister may request the return of a certificate of registration of a Canadian aircraft from the registered owner for the purpose of amending it, or for the purpose of replacing it.

(2) Where the Minister requests the return of a certificate of registration pursuant to subsection (1), the registered owner shall return it to the Minister within seven days after the day on which the request is received.

29. Before any certificate of registration is issued pursuant to section 25 or replaced pursuant to section 27 or 28, the applicant shall remit to the Minister the appropriate charge, if any, prescribed in the *Aircraft Marking and Registration Charges Regulations*.

30. Where the certificate of registration of a Canadian aircraft expires or is cancelled, the last registered owner or the new owner shall return the certificate to the Minister not more than 30 days after the day on which it expires or is cancelled.

31. Except as authorized by the Minister, no person shall mutilate, alter or render illegible a certificate of registration.

CHANGE IN LEGAL CUSTODY AND CONTROL

32.(1) Subject to the *Leased Aircraft Registration Regulations*, where the legal custody and control of a Canadian aircraft changes, the registration of the aircraft expires.

2) Where the legal custody and control of a Canadian aircraft changes, the last registered owner shall, not more than seven days after the change, so notify the Minister in writing.

33.(1) Where the legal custody and control of a Canadian aircraft changes and the new owner is qualified pursuant to section 19 or meets the requirements set out in section 20 to be the registered owner of a Canadian aircraft and applies to register the aircraft in Canada in accordance with section 21, the aircraft has an interim registration in the name of the new owner.

- (2) An interim registration of an aircraft expires on the earliest of
 - (a) 60 days after the date of the change in the legal custody and control of the aircraft,

- (b) the day on which there is a further change in the custody and control of the aircraft, and
- (c) the day on which a continuing certificate of registration is issued in respect of the aircraft.

(3) No person shall operate an aircraft that has an interim registration in a commercial air service, where the aircraft was, prior to the change in legal custody and control, registered as a private aircraft.

IMPORTATION OF AIRCRAFT

34.(1) Where an aircraft is not registered in Canada or in a foreign state, no person shall operate it for the purpose of importing it into Canada unless the person first obtains a provisional registration in respect of the aircraft.

(2) The Minister may grant a provisional registration in respect of an aircraft if the application for registration includes

- (a) the name of the manufacturer of the aircraft, the manufacturer's model designation of the aircraft and the manufacturer's serial number of the aircraft;
- (b) a statement indicating whether the aircraft is new or used;
- (c) the proposed dates for the commencement and the completion of the importation flight;
- (d) the destination of the importation flight; and
- (e) the name, address and telephone number of the owner.

(3) The Minister may specify in a provisional certificate of registration conditions governing the operation of the aircraft as necessary for its safe and proper operation, and the destination to which and date or dates on which the aircraft may be operated.

- (4) A provisional registration expires or is cancelled, as the case may be, when the aircraft
- (a) arrives at the destination set out in the provisional certificate of registration;
 - (b) is operated on a date that is not specified in the provisional certificate of registration; or
 - (c) is operated in a manner that is contrary to any condition specified in the provisional certificate of registration.

EXPORTATION OF AIRCRAFT

35.(1) Where a Canadian aircraft is sold or leased to a person who is not qualified pursuant to section 19 to be the registered owner of a Canadian aircraft, and the aircraft is not in Canada at the time of its sale or lease or it is understood by the vendor or lessor that the aircraft is to be exported, the vendor or lessor shall:

- (a) remove the Canadian marks from the aircraft at the time of the sale or lease;

- (b) notify the Minister in writing, within seven days after the sale or lease, of the date of
 - (i) the sale or lease,
 - (ii) the exportation,
 - (iii) the allotment of any foreign registration mark in respect of the aircraft, and
 - (iv) the removal of the Canadian marks;
- (c) provide the Minister with a copy of all agreements in respect of the sale or lease; and
- (d) return to the Minister the certificate of registration of the aircraft.

(2) Where Canadian marks are removed from an aircraft pursuant to subsection (1), the Minister may withhold reissuance of those marks for use on a Canadian aircraft other than the aircraft from which they were removed for a period to be determined by the Minister.

OPERATION OF FOREIGN AIRCRAFT

36.(1) Unless otherwise authorized pursuant to subsection (3), no person shall operate in Canada an aircraft that is registered in a foreign state and has been operated in Canada for an aggregate of not more than 90 days or more in the immediately preceding twelve month period unless

- (a) the foreign state is a contracting state; and
- (b) the operator of the aircraft is
 - (i) the contracting state,
 - (ii) an individual who is not a Canadian citizen or a permanent resident but is a citizen or subject of the contracting state, or
 - (iii) a corporation that is incorporated by or under the laws of the contracting state.

(2) Unless otherwise authorized pursuant to subsection (3), no person shall operate in Canada an ultra-light aeroplane that is not registered in Canada.

(3) The Minister may, for the purposes of a Canadian special aviation event authorized by the Minister pursuant to the *Special Aviation Events Safety Order*, authorize in writing the operation in Canada of an ultra-light aeroplane that is not registered in Canada, and in the authorization may specify conditions governing the operation of the aircraft as necessary for its safe and proper operation if the sponsor makes an application for the authorization and, in the application,

- (a) specifies the location and duration of the special aviation event;
- (b) in the case of an ultra-light aeroplane that is not registered, confirms that the state of the owner of the ultra-light aeroplane does not require the aeroplane to be registered for operation within that state; and

(c) confirms that the special aviation event will be of not more than 14 days duration.

(4) An ultra-light aeroplane in respect of which an authorization is issued pursuant to subsection (3) shall be operated

- (a) by its owner;
- (b) within Canada;
- (c) while participating in the special aviation event identified in the authorization;
- (d) within a five mile radius of the location of the special aviation event;
- (e) in accordance with the provisions of the *Special Aviation Events Safety Order*; and
- (f) in accordance with all conditions specified by the Minister in the authorization.

(5) The Minister may cancel an authorization issued pursuant to subsection (3) where the conditions governing the operation of an ultra-light aeroplane in Canada are not met.

AIRCRAFT INFORMATION AND INSPECTION

37.(1) The Minister may request that the owner of an aircraft advise the Minister, in writing, of the location of the aircraft and whether or not the aircraft is serviceable.

(2) Where the Minister makes a request pursuant to subsection (1), the owner shall comply with the request not more than seven days after receiving it.

(3) Where, pursuant to subsection (2), the owner of an aircraft advises the Minister that the aircraft is not serviceable, the owner shall advise the Minister

- (a) in the case of an aircraft that will be returned to service, of the place at which and the estimated date on which it will be returned to service; and
- (b) in the case of an aircraft that is permanently withdrawn from service, of whether or not the aircraft has been or will be disposed of and, if it has been or will be disposed of, of the manner of disposal.

38. For the purpose of enforcing these Regulations, the Minister may give notice to an owner of an aircraft requiring the owner to make the aircraft available for inspection at a place and time set out in the notice, and the owner shall make the aircraft available for the inspection accordingly.

REGISTERED OWNERS

39.(1) Where the name or address of a registered owner of a Canadian aircraft changes, the registered owner shall, not more than seven days after the change, notify the Minister in writing of the change.

(2) Where a corporation that is a registered owner of an aircraft amalgamates with another corporation, the amalgamated corporation shall, not more than seven days after the amalgamation,

- (a) notify the Minister in writing of the amalgamation;
- (b) provide to the Minister a copy of the certificate of amalgamation or another document of the same effect issued under the law pursuant to which the corporation was amalgamated; and
- (c) apply to register the aircraft in the name of the amalgamated corporation in accordance with section 21.

40. Every registered owner of a Canadian aircraft shall within seven days after any change in circumstances as a result of which the owner is no longer qualified pursuant to section 19 or no longer meets the requirements set out in section 20 to be the registered owner of the aircraft, notify the Minister in writing of the change.

41.(1) Every registered owner of a Canadian aircraft shall, within seven days after determining that any of the following events has occurred, notify the Minister in writing if the aircraft

- (a) is destroyed or permanently withdrawn from use;
- (b) is missing and the search for the aircraft is terminated; or
- (c) has been missing for 60 days.

(2) Where an event referred to in subsection (1) has occurred, the registration of the aircraft is cancelled.

(3) Where the registration of an aircraft is cancelled pursuant to subsection (2), the Minister may withhold reissuance of the marks of the aircraft for use on an aircraft other than the aircraft to which they were originally issued for such period as the Minister may determine.

CANCELLATION OF REGISTRATION

42. Where an aircraft that is registered as an ultra-light aeroplane no longer qualifies as an ultra-light aeroplane, its registration is cancelled.

43. In addition to the other circumstances provided in these Regulations, the registration of a Canadian aircraft is cancelled where

- (a) an individual who is the registered owner of the aircraft dies;
- (b) a corporation that is the registered owner of the aircraft is wound up, dissolved or amalgamated with another corporation;

- (c) a leased Canadian aircraft is purchased by the lessee;
- (d) in the case of an aircraft registered pursuant to section 18, the registered owner ceases to be qualified pursuant to section 19, or to meet the requirements set out in section 20, to be the registered owner of the aircraft; or
- (e) except in the case of an ultra-light aeroplane, for five years the aircraft has not had a certificate of airworthiness in force or a valid flight permit.

44. The registration of a Canadian aircraft is cancelled effective on the date of registration if there is misrepresentation or fraudulent documentation in the application for registration.

45. The Minister may cancel the registration of a Canadian aircraft where the owner, registered owner or operator of the aircraft contravenes these Regulations or where the cancellation is in the public interest.

46. Where the registration of a Canadian aircraft expires or is cancelled, its certificate of registration is invalid.

47. Where the registration of a Canadian aircraft expires or is cancelled, the Minister may request the owner or last registered owner to remove the Canadian marks from the aircraft and, where the Minister so requests, the owner or last registered owner shall remove the Canadian marks within seven days after the day on which the request is received.

48. No person shall fraudulently notify the Minister that the Canadian marks on an aircraft have been removed.

49. Where a document issued under these Regulations is invalid, the Minister may request the holder of the document to return it to the Minister and, where the Minister so requests, the holder shall return the document within seven days after the day on which the request is received.

CANADIAN CIVIL AIRCRAFT REGISTER

50.(1) The Minister shall establish, maintain and publish a register of aircraft, to be known as the *Canadian Civil Aircraft Register*, in which there shall be entered in respect of each Canadian aircraft

- (a) the name and address of each registered owner;
- (b) the registration mark issued pursuant to section 4; and
- (c) such other particulars concerning the aircraft as the Minister considers necessary for registration, inspection and certification purposes.

(2) The Minister may publish information that has been entered in the *Canadian Civil Aircraft Register* in respect of a Canadian aircraft.

NOTICE TO OWNERS

51. For the purposes of these Regulations, where two or more persons are the registered owners of a Canadian aircraft, a request, notice or document is sufficiently given to each registered owner of the aircraft if the request, notice or document is given to the person who has been identified as the nominee for that purpose pursuant to subsection 21(2) at the last address recorded for that person in the *Canadian Civil Aircraft Register*.

52. For the purposes of these Regulations,
- (a) a request, notice or document is sufficiently given to a person if it is sent by registered mail to the person at that person's last known address; and
 - (b) a request, notice or document sent by registered mail shall be deemed to have been received seven days after it was mailed unless there is evidence to the contrary.

ATTACHMENT 1 - 6

REGULATIONS RESPECTING THE REGISTRATION OF LEASED
AIRCRAFT

(Air Regulations, Series II, No. 3)

SHORT TITLE

1. These Regulations may be cited as the *Leased Aircraft Registration Regulations*.

INTERPRETATION

2. In these Regulations,
 "Canadian aircraft" means an aircraft that is registered pursuant to section 22 of the *Aircraft Marking and Registration Regulations*; (*aéronef canadien*)
 "commercial aircraft" means an aircraft that is registered as a commercial aircraft pursuant to paragraph 22(1)(b) of the *Aircraft Marking and Registration Regulations*; (*aéronef commercial*)
 "operating certificate" means a certificate that is issued by the Minister pursuant to section 700 of the *Air Regulations*. (*certificat d'exploitation*)

GENERAL

3.(1) Where it is in the public interest to do so, the Minister may, by order, on application in writing by the registered owner of a Canadian aircraft, authorize, and specify the conditions governing, the continuation of the registration of the aircraft where that aircraft is leased to a person who is not qualified under section 19 of the *Aircraft Marking and Registration Regulations*, or does not meet the requirements of section 20 of those Regulations, to be the registered owner of a Canadian aircraft.

(2) Where the Minister authorizes, pursuant to subsection (1), the continuation of the registration of a Canadian aircraft that is leased, the registration of the aircraft shall remain in the name of the registered owner notwithstanding the change in the legal custody and control of that aircraft at the commencement and termination of the lease.

(3) Where the registered owner of a Canadian aircraft makes an application referred to in subsection (1), the Minister may require such inspections as the Minister considers necessary as a result of the application, and the registered owner shall pay to the Minister a charge equal to the total of any costs incurred by the Minister in performing the inspections.

(4) Where the Minister authorizes, pursuant to subsection (1), the continuation of the registration of a Canadian aircraft that is leased, the Minister may require that the aircraft be inspected or monitored as the Minister considers necessary during the term of the lease, and the registered owner shall pay to the Minister a charge equal to the total of the costs incurred by the Minister in performing the inspections or monitoring.

(5) Where it is no longer in the public interest for a Canadian aircraft that is leased to continue to be registered pursuant to an order made under subsection (1), the Minister may revoke the order, and the registration of the aircraft is cancelled as of the date of the revocation.

4.(1) Subject to subsection (3), where the legal custody and control of a commercial aircraft is changed by reason of a lease of the aircraft by the air carrier that is the registered owner of the aircraft to another air carrier, the registration of the aircraft remains valid, notwithstanding the change in the legal custody and control of that aircraft, during the period determined in accordance with subsection (2) if

- (a) the lessor is, immediately prior to the commencement of the lease, the registered owner of the aircraft otherwise than pursuant to a lease;
- (b) the aircraft has a maximum certificated take-off weight of not more than 5 670 kg (12,500 pounds);
- (c) the lessee is qualified under section 19 of the *Aircraft Marking and Registration Regulations*, or meets the requirements of section 20 of those Regulations, to be the registered owner of a Canadian aircraft; and
- (d) the lessee is the holder of an operating certificate issued in respect of the aircraft type.

(2) The period referred to in subsection (1) is the least of

- (a) 90 days,
- (b) the number of days calculated by subtracting from 90 days the number of days in the 12 months immediately preceding the effective date of the lease during which a person other than the registered owner of the aircraft had the legal custody and control of the aircraft, and
- (c) the number of days in the term of the lease.

(3) Subsection (1) does not apply in respect of a commercial aircraft that is leased if, in the 12 months immediately preceding the effective date of the lease, the air carrier that is the registered owner of the aircraft leased the aircraft for an aggregate period of 90 days to a person who did not become the registered owner of the aircraft.

(4) The registration of a commercial aircraft referred to in subsection (1) remains valid notwithstanding the changes in the legal custody and control of the commercial aircraft at the commencement and termination of the lease if, on the day immediately following the period determined in accordance with subsection (2), the air carrier that is the registered owner of the aircraft has legal custody and control of the aircraft.

ATTACHMENT 1 - 7

REGULATIONS RESPECTING CHARGES FOR THE MARKING AND
REGISTRATION OF AIRCRAFT

(Air Regulations, Series II, No. 4)

SHORT TITLE

1. These Regulations may be cited as the *Aircraft Marking and Registration Charges Regulations*.

INTERPRETATION

2. The words and expressions used in these Regulations have the same meaning as in the *Aircraft Marking and Registration Regulations*.

CHARGES

3. The charge set out in column II of an item of the schedule shall be paid to the Minister before a service set out in column I of that item is provided.

SCHEDULE

(Section 3)

CHARGES

Column I		Column II
Item	Service	Charge
1.	Reservation of a registration mark	\$ 27
2.	Reservation of a special mark	139
3.	Issue of a special mark	112
4.	Issue of a provisional certificate of registration	32
5.	Issue of a temporary certificate of registration	32
6.	Issue of a continuing certificate of registration	105
7.	Issue of a new certificate of registration to replace one that has been lost or destroyed	32
8.	Issue of a new certificate of registration owing to a change in information	16

ATTACHMENT 1 - 8

REGULATIONS RESPECTING AERODROMES

(Air Regulations, Series III, No. 1)

SHORT TITLE

1. These Regulations may be cited as the *Aerodrome Regulations*.

INTERPRETATION

2. In these Regulations,
 - “Act” means the Aeronautics Act; (*Loi*)
 - “air traffic control unit” means
 - (a) an area control centre established to provide air traffic control service to flights conducted in accordance with the instrument flight rules.
 - (b) a terminal control unit established to provide air traffic control service to flights conducted in accordance with instrument flight rules within a terminal control area, or
 - (c) an air traffic control tower established to provide air traffic control service at an aerodrome; (*unité de contrôle de la circulation aérienne*)
 - “apron” means a part of an aerodrome, other than the manoeuvring area, that is intended to be used for the loading and unloading of passengers and cargo, the refuelling, servicing, maintenance and parking of aircraft and the movement of aircraft, vehicles and persons engaged in services necessary for those purposes; (*aire de trafic*)
 - “Canada Flight Supplement” means a publication that is intended to be used to supplement enroute charts and the Canada Air Pilot and is available from the Department of Transport; (*Supplément de vol-Canada*)
 - “closed marking” means a cross-shaped marking that
 - (a) has the form and, subject to subsection 8(2), the dimensions set out in Schedule I, and
 - (b) subject to subsection 8(6), is in a single contrasting colour, white on runways and yellow on taxiways, that is visible from an aircraft flying at an altitude of 300 m (1,000 feet) above the marking; (*marque de zone fermée*)
 - “fixed”, in respect of a light, means having a constant luminous intensity when the light is observed from a fixed point; (*fixe*)
 - “flight service station” means a station established by the Minister pursuant to section 4.2 of the Act to provide an aerodrome with advisory services, vehicle control services and communications services for the safe movement of aircraft; (*station d’information de vol*)
 - “helicopter” means a heavier-than-air aircraft supported in flight by the reactions of the air on one or more power-driven rotors on substantially vertical axes; (*hélicoptère*)

“heliport” means an aerodrome used or intended to be used for the arrival, landing, take-off or departure of aircraft capable of vertical take-off and landing;
(*héliport*)

“manoeuvring area” means a part of an aerodrome, other than an apron, that is intended to be used for the take-off and landing of aircraft and for related manoeuvres; (*aire de manoeuvre*)

“marker” means an object displayed above ground level for the purpose of indicating an obstacle or obstruction or delineating a boundary; (*balise*)

“marking” means a symbol or group of symbols displayed on the surface of a movement area for the purpose of conveying aeronautical information;
(*marque*)

“movement area” means a part of an aerodrome that is intended to be used for the surface movement of aircraft, and includes the manoeuvring area and all aprons; (*aire de mouvement*)

“night” means the period beginning one half-hour after sunset and ending one half-hour before sunrise and, in respect of any place where the sun does not rise or set daily, the period during which the centre of the sun’s disc is more than six degrees below the horizon; (*nuit*)

“operator” in respect of an aerodrome, means the person in charge of the aerodrome, and includes an employee, agent or other authorized representative of that person; (*exploitant*)

“public way” means any road, path or sidewalk maintained for the use of members of the public; (*voie publique*)

“terminal control area” means an airspace of fixed dimensions, designated as such in the *Designated Airspace Handbook*, within which a terminal control unit provides air traffic control service to flights conducted in accordance with instrument flight rules; (*région de contrôle terminal*)

“*Water Aerodrome Supplement*” means a publication concerning water aerodromes that is intended to be used to supplement enroute charts and the *Canada Air Pilot* and is available from the Department of Transport. (*Supplément hydroaérodromes*)

APPLICATION

3.(1) These Regulations apply to all aerodromes except airports and military aerodromes.

(2) Any reference in these Regulations to the *Canada Air Pilot*, *Canada Flight Supplement* or *Water Aerodrome Supplement* is a reference to that publication as amended from time to time.

INSPECTION

4. The operator of an aerodrome shall, without charge, at the request of a Department of Transport Inspector, allow access to aerodrome facilities and provide the equipment necessary to conduct an inspection of the aerodrome.

REGISTRATION

5.(1) Subject to subsection (2), where the operator of an aerodrome provides the Minister with information respecting the location, markings, lighting, use and operation of the aerodrome, the Minister shall register the aerodrome and publish the information in the *Canada Flight Supplement* or the *Water Aerodrome Supplement*, as applicable.

(2) The Minister may refuse to register an aerodrome where the operator of the aerodrome does not meet the requirements of sections 7 to 11, and in such a case, shall not publish information with respect to that aerodrome.

(3) The operator of an aerodrome registered pursuant to subsection (1) shall notify the Minister immediately after any change is made to the location, marking, lighting, use or operation of the aerodrome that affects the information published by the Minister pursuant to subsection (1).

(4) An aerodrome that is listed in the *Canada Flight Supplement* or the *Water Aerodrome Supplement* on the coming into force of these Regulations is deemed to be registered pursuant to subsection (1).

MARKERS AND MARKINGS

6. When an aerodrome is closed permanently, the operator of the aerodrome shall remove all markers and markings installed at the aerodrome.

7. The operator of an aerodrome, other than a water aerodrome, shall install red flags or cones along the boundary of an unserviceable movement area.

8.(1) This section does not apply in respect of any manoeuvring area or part thereof that is closed for a period of 24 hours or less.

(2) Where a runway or part of a runway is closed, the operator of the aerodrome shall place closed markings, as set out in Schedule I, on the runway as follows:

- (a) where the runway is greater than 1,220 m (4,000 feet) in length, a closed marking shall be located at each end of the closed runway or part thereof and additional closed markings shall be located on the closed runway or part thereof at intervals not exceeding 300 m (1,000 feet);
- (b) where the runway is greater than 450 m (1,500 feet) but not greater than 1,220 m (4,000 feet); in length, a closed marking or not less than one-half the dimensions set out in that schedule shall be located at each end of the closed runway or part thereof and an additional closed marking of the same dimensions shall be located on the closed runway or part thereof at a point equidistant from the two markings; and

; (c) where the runway is 450 m (1,500 feet) or less in length, a closed marking of not less than one-half the dimensions set out in that schedule shall be located at each end of the closed runway or part thereof.

(3) Where a taxiway or part of a taxiway is closed, the operator of the aerodrome shall place on each end of the closed taxiway, or part thereof, a closed marking with the dimensions set out in Schedule I.

(4) Where a helicopter take-off and landing area at an aerodrome is closed, the operator of the aerodrome shall

(a) place a closed marking over the letter "H", where the letter "H" identifies the helicopter take-off and landing area, or, where no letter identifies the helicopter take-off and landing area, over the centre of the area; or

(b) comply with subsection (2), where the helicopter take-off and landing area is a runway.

(5) Where a manoeuvring area or part thereof is closed permanently, the operator of the aerodrome shall

(a) obliterate all markings that indicate that the manoeuvring area or part thereof is open; and

(b) subject to subsection (6), paint on the manoeuvring area or part thereof the markings required pursuant to subsections (2) to (4).

(6) Where the surface of a manoeuvring area or part thereof is snow-covered or otherwise unsuitable for painting or where the closure is not permanent, closed markings may be applied by means of a conspicuously coloured dye or may be constructed from a suitable conspicuously coloured material or product.

WARNING NOTICES

9. Where low-flying or taxiing aircraft at or near an aerodrome are likely to be hazardous to pedestrian or vehicular traffic, the operator of the aerodrome shall immediately

(a) post notices warning of the hazard on any public way that is adjacent to the manoeuvring area; or

(b) where such a public way is not owned or controlled by the operator, inform the authorities responsible for placing markings on the public way that there is a hazard.

WIND DIRECTION INDICATOR

10.(1) Except where the direction of the wind can be determined by radio or other means such as smoke movement in the air or wind lines on water, the operator of an aerodrome shall install and maintain at the aerodrome a wind direction indicator that is

(a) of a conspicuous colour or colours;

(b) in the shape of a truncated cone

- (c) visible from an aircraft flying at an altitude of 300 m (1,000 feet) above the wind direction indicator; and
- (d) illuminated when the aerodrome is used at night.

(2) When an aerodrome is closed permanently, the operator of the aerodrome shall immediately remove all wind direction indicators installed at the aerodrome.

LIGHTING

11.(1) Subject to subsection (2), where a runway is used at night, the operator of the aerodrome shall indicate each side of the runway along its length with a line of fixed white lights that is visible in all directions from an aircraft in flight at a distance of not less than two nautical miles.

(2) Where it is not practical to provide at an aerodrome the fixed white lights referred to in subsection (1) for reasons such as the lack of an available electrical power source or insufficient air traffic, the operator of the aerodrome may, if a fixed white light is displayed at each end of the runway to indicate runway alignment, use white retro-reflective markers that are capable of reflecting aircraft lights and that are visible from an aircraft in flight at a distance of not less than two nautical miles

(3) The lines of lights or retro-reflective markers required by subsection (1) or (2) shall be arranged so that

- (a) the lines of lights or markers are parallel and of equal length and the transverse distance between the lines is equal to the runway width in use during the day;
- (b) the distance between adjacent lights or markers in each line is the same and is not more than 60 m (200 feet);
- (c) each line of lights or markers is not less than 420 m (1,377 feet) in length and contains no fewer than eight lights or markers; and
- (d) each light or marker in a line of lights or markers is situated opposite to a light or marker in the line of lights or markers on the other side of the runway, so that a line connecting them forms a right to the centre line of the runway.

(4) Fixed white lights displayed at each end of a runway pursuant to subsection (2) shall be placed so that they are not likely to cause a hazard that could endanger persons or property.

(5) Where a taxiway is used at night, the operator of the aerodrome shall indicate each side of the taxiway with a line of fixed blue lights or blue retro-reflective markers placed so that the two lines of lights or markers are parallel and the distance between adjacent flights or markers in each line is not more than 60 m (200 feet).

(6) Where a maneuvering area or part thereof or a heliport is closed, the operator of the aerodrome shall not operate the lights or maintain the retro-reflective markers thereon, except as required for maintenance of the lights and markers.

(7) Where an aerodrome is used at night, the operator of the aerodrome shall indicate an unserviceable portion of the movement area with fixed red lights, red retro-reflective markers or floodlighting.

(8) Where an aircraft parking area at an aerodrome is used at night, the operator of the aerodrome shall indicate the boundary of the area with fixed blue lights or blue retro-reflective markers, placed at intervals not exceeding 60 m (200 feet), or with floodlighting.

(9) Subject to subsection (10), where a heliport is used at night for the take-off or landing of helicopters, the operator of the heliport shall illuminate the entire take-off and landing area with floodlights or

(a) where the take-off and landing area is rectangular, shall indicate the boundary with no fewer than eight fixed yellow lights, including one light at each corner, placed so that adjacent flights are not more than 13 m (42.5 feet) apart; or

(b) where the take-off and landing area is circular, shall indicate the boundary with no fewer than five fixed yellow lights placed so that adjacent lights are not more than 13 m (42.5 feet) apart.

(10) Where it is not practical to provide at a heliport the fixed yellow lights referred to in subsection (9) for reasons such as lack of an available electrical power source or insufficient air traffic, the operator of a heliport may use yellow retro-reflective markers that are capable of reflecting aircraft lights and that are visible from an aircraft in flight at a distance of not less than two nautical miles, if

(a) a light source is provided to show the location of the heliport; or

(b) where there is only one path for approach and departure, two lights are used to show the approach orientation.

(11) Where the lighting required by subsections (1), (2), (5), (8), (9) and (10) is operated by a radio controlled system capable of activation from an aircraft, the system shall meet the requirements set out in Schedule II.

(12) The operator of an aerodrome may display flare pots to provide temporary lighting for the landing or take-off or aircraft.

PROHIBITIONS

12. No person shall

(a) walk, stand, drive or part a vehicle, or cause an obstruction, on the movement area of an aerodrome except in accordance with permission given

(i) by the operator of the aerodrome, and

- (ii) where applicable, by the appropriate air traffic control unit or flight service station;
- (b) tow an aircraft on an active movement area at night unless the aircraft displays operating wingtip, tail and anti-collision lights or is illuminated by lights mounted on the towing vehicle and directed at the aircraft;
- (c) park or otherwise leave an aircraft on an active manoeuvring area at night unless the aircraft displays operating wingtip, tail and anti-collision lights or is illuminated by lanterns suspended from the wingtips, tail and nose of the aircraft;
- (d) operate any vessel, or cause any obstruction, on the surface of any part of any water area of an aerodrome that is to be kept clear of obstructions in the interest of aviation safety, when ordered, by signal or otherwise, to leave or not to approach that area by the appropriate air traffic control unit or flight service station or by the operator of the aerodrome;
- (e) knowingly remove, deface, extinguish or interfere with a marker, marking, light or signal that is used at an aerodrome for the purpose of air navigation;
- (f) at a place other than an aerodrome, knowingly display a marker, marking, light or signal that is likely to cause a person to believe that the place is an aerodrome;
- (g) knowingly display at or in the vicinity of an aerodrome a marker, marking, sign, light or signal that is likely to endanger aviation safety by causing glare or by causing confusion with or preventing clear visual perception of a marker, marking, sign, light or signal that is required under these Regulations;
- (h) allow a bird or other animal that is owned by the person or that is in the person's custody or control to be unrestrained within the boundaries of an aerodrome except for the purpose of controlling other birds or animals at the aerodrome as authorized by the operator; or
- (i) discharge any firearm within or into an aerodrome without the permission of the operator of the aerodrome.

FIRE PREVENTION

13.(1) Subject to subsection 11(12) and subsections (2) and (3), no person shall, while at an aerodrome, smoke or display an open flame

- (a) on an apron;
- (b) on an aircraft loading bridge or on a gallery or balcony that is contiguous to or that overhangs an apron; or
- (c) in an area where smoking or the presence of an open flame is likely to create a fire hazard that could endanger persons or property.

(2) The operator of an aerodrome may, in writing, authorize maintenance or servicing operations on an apron that involve the use, production or potential development of an open flame or that involve the production or potential development of a spark where the operations are conducted in a manner that is not likely to create a fire hazard that could endanger persons or property.

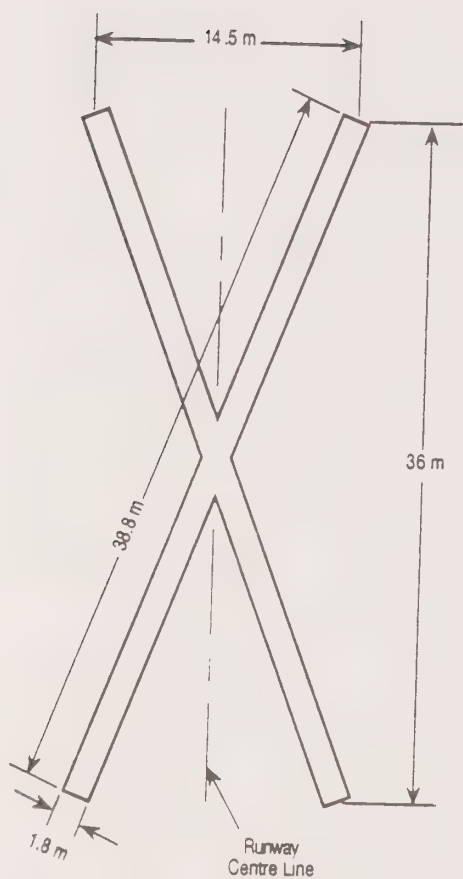
(3) The operator of an aerodrome may permit smoking in an enclosed building or shelter located on an apron provided that such smoking is not likely to create a fire hazard that could endanger persons or property.

SCHEDULE I

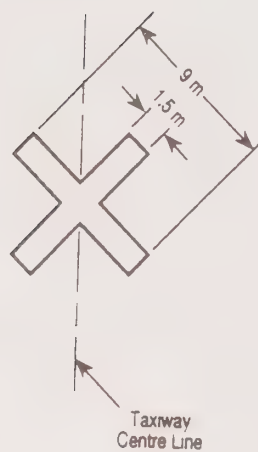
(Section 2 and subsections 8(2) and 8(3))

CLOSED MARKINGS

Closed Runway



Closed Taxiway



SCHEDULE II

(Subsection 11(11))

INTENSITY SETTINGS FOR LIGHTING SYSTEMS ACTIVATED BY RADIO CONTROL FROM AIRCRAFT

		Selected Level of Intensity (percentage of rated output of fixture)			
Visual Aid System	Number of Intensity Settings	Systems Providing 3 Selections (type K)			Single Selection Systems (type J)
		<u>3 clicks</u>	<u>5 clicks</u>	<u>7 clicks</u>	
High Intensity Approach Lighting :					
Fixed Lights	5	0.2%	5%	25%	note 1
Capacitor Discharge Lights	5	2.25%	10%	OFF	note 1
Medium Intensity Approach Lighting:					
- Fixed Lights	3	4%	20%	100%	note 2
- Capacitor Discharge Lights	3	2.25%	10%	OFF	note 2
Omni Directional Approach Lighting Systems (ODALS)	3	6%	30%	100%	30%
Low intensity Approach Lighting:	1	100%	100%	100%	100%
Runway Edge, Threshold and End Lighting:					
- High Intensity	5	0.2%	5%	25%	note 1
- Medium Intensity	3	10%	30%	100%	note 1
- Low Intensity	1	100%	100%	100%	100%
Runway Identification Lights (RILS)	1	100%	100%	OFF	note 3
	3	10%	100%	OFF	note 3
Wind Direction Indicator	1	100%	100%	100%	100%
Aerodrome Beacon	1	100%	100%	100%	100%
Note 1: These systems shall not be controlled by a system employing only one intensity selection. Note 2: Medium intensity approach lighting shall not be controlled by a system employing only one intensity selection except for Omni Directional Approach Lighting Systems (ODALS). Note 3: These fixtures may be set at 10%, 100%, or OFF.					

ATTACHMENT 1 - 9

REGULATIONS RESPECTING AIRPORTS

(Air Regulations, Series III, No. 2)

SHORT TITLE

1. These Regulations may be cited as the *Airport Regulations*.

INTERPRETATION

2. In these Regulations,

"Act" means the Aeronautics Act; (*Loi*)

"aerodrome standards and recommended practices publications" means the following documents that are available from the Department of Transport, namely,

- (a) *Procedures for the Certification of Aerodromes as Airports*,
- (b) *Aerodrome Standards and Recommended Practices*, and
- (c) *Heliport and Helideck Standards and Recommended Practices*;
(*publications sur les normes et pratiques recommandées pour les aérodromes*)

"aeronautical information publications" means the following documents that are available from the Department of Transport, namely,

- (a) *Canada Air Pilot*;
- (b) *Canada Flight Supplement*,
- (c) *Water Aerodrome Supplement*, and
- (d) *A.I.P. Canada*; (*publications d'information aéronautique*)

"airport" means an aerodrome described in subsection 3(1) in respect of which an airport certificate is in force; (*aéroport*)

"airport certificate" means a certificate issued pursuant to section 5 and includes the airport operations manual respecting the airport; (*certificat d'aéroport*)

"airport operations manual" means a manual included in an airport certificate pursuant to subsection 10(3) and includes any amendments to the manual that are made pursuant to section 8 or approved pursuant to paragraph 10(1)(c); (*manuel d'exploitation d'aéroport*)

"air traffic control unit" means

- (a) an area control centre established to provide air traffic control service to flights conducted in accordance with instrument flight rules,
- (b) a terminal control unit established to provide air traffic control service to flights conducted in accordance with instrument flight rules and operating within a terminal control area, or

(c) an air traffic control tower established to provide air traffic control service at an aerodrome; (*unité de contrôle de la circulation aérienne*)

"apron" means a part of an airport, other than the manoeuvring area, that is intended to be used for the loading and unloading of passengers and cargo, the refuelling, servicing, maintenance and parking of aircraft and the movement of aircraft, vehicles and persons engaged in services necessary for those purposes; (*aire de trafic*)

"flight service station" means a station established by the Minister pursuant to section 4.2 of the Act to provide an airport with advisory services, vehicle control services and communications services for the safe movement of aircraft; (*station d'information de vol*)

"flight training unit" means a flying club, private flying school or public educational institution that provides all or part of a course in flight training for the purpose of obtaining a private or commercial pilot licence or a flight instructor, multi-engine class, type or instrument rating; (*unité d'entraînement de vol*)

"manoeuvring area" means a part of an airport, other than an apron, that is intended to be used for the take-off and landing of aircraft and for related manoeuvres; (*aire de manoeuvre*)

"marking" means a symbol or group of symbols displayed on the surface of a movement area for the purpose of conveying aeronautical information; (*marque*)

"movement area" means a part of an airport that is intended to be used for the surface movement of aircraft, and includes the manoeuvring area and the aprons; (*aire de mouvement*)

"night" means the period beginning one-half hour after sunset and ending one-half hour before sunrise and, in respect of any place where the sun does not rise or set daily, the period during which the centre of the sun's disc is more than six degrees below the horizon; (*nuit*)

"obstacle limitation surface" means a surface that establishes the limit to which objects may project into the airspace associated with an airport, in order that aircraft operations for which the airport is intended may be conducted safely, and includes a transitional surface, a take-off surface, an approach surface and an outer surface; (*surface de limitation d'obstacles*)

"operator", in respect of an airport, means the person in charge of the airport and includes an employee, agent or other authorized representative of the person; (*exploitant*)

"public way" means any road, path or sidewalk maintained for the use of members of the public; (*voie publique*)

"terminal control area" means an airspace of fixed dimensions, designated as such in the *Designated Airspace Handbook*, within which a terminal control unit provides air traffic control service to flights conducted in accordance with the instrument flight rules. (*région de contrôle terminal*)

APPLICATION

- 3.(1) Subject to subsection (2), these Regulations apply in respect of
- (a) an aerodrome that is located within the built-up area of a city or town; and
 - (b) a land aerodrome that is used.
 - (i) by an air carrier for the purpose of a scheduled service for the transport of passengers, or
 - (ii) as a main base for a flight training unit.
- (2) These Regulations do not apply in respect of
- (a) a military aerodrome; or
 - (b) a land aerodrome referred to in subsection 3(1), provided that the Minister
 - (i) has authorized each air carrier or flight training unit using that aerodrome to land at an take-off from that aerodrome, and
 - (ii) has established conditions that will ensure a level of safety in respect of the use of that aerodrome that is equivalent to the level of safety established by these Regulations.

(3) Unless otherwise provided in these Regulations, any reference in these Regulations to aerodrome standards and recommended practices publications to aeronautical information publications is a reference to these publications as amended from time to time.

APPLICATION FOR AIRPORT CERTIFICATE

- 4.(1) An applicant for an airport certificate shall submit to the Minister for approval
- (a) an application for an airport certificate; and
 - (b) a copy of the proposed airport operations manual in respect of the airport.

(2) The application referred to in subsection (1) shall be signed, in ink, by the applicant and shall be in the form set out in the aerodrome standards and recommended practices publications.

ISSUANCE OF AIRPORT CERTIFICATE

5.(1) Subject to subsection 6.7(1) of the Act, the Minister shall issue an airport certificate to an applicant authorizing the applicant to operate an aerodrome as an airport if the proposed airport operations manual, submitted pursuant to paragraph 4(1)(b), is approved by the Minister pursuant to subsection (2) and

- (a) the standards set out in the aerodrome standards and recommended practices publications are met; or
- (b) on the basis of an aeronautical study, the Minister determines that
 - (i) the level of safety at the aerodrome is equivalent to that provided for by the standards set out in the aerodrome standards and recommended practices publications; and
 - (ii) the issuance of the airport certificate is in the public interest and not detrimental to aviation safety.

- (2) The Minister shall approve a proposed operations manual if
 - (a) it accurately describes the physical specifications of the aerodrome; and
 - (b) it conforms to the requirements set out in the aerodrome standards and recommended practices publications that apply in respect of an airport operations manual.

(3) Where an aerodrome does not meet a standard specified in the aerodrome standards and recommended practices publications, the Minister may specify in the airport certificate such conditions relating to the subject matter of the standard as are necessary to ensure a level of safety equivalent to that established by the standard and as are necessary in the public interest and to ensure aviation safety.

TRANSFER OF AIRPORT CERTIFICATE

6.(1) When an airport certificate is transferred, it shall be transferred in accordance with this section.

- (2) The Minister shall transfer an airport certificate to a transferee where
 - (a) the current holder of the airport certificate, at least 14 days before ceasing to operate the airport, notifies the Minister in writing that the current holder will cease to operate the airport as of the date specified in the notice;
 - (b) the current holder of the airport certificate notifies the Minister in writing of the name of the transferee;
 - (c) the transferee applies in writing to the Minister, within 14 days before the current holder ceases to operate the airport, for the certificate to be transferred to the transferee; and
 - (d) the requirements set out in section 5 are met.

(3) The application referred to in paragraph (2)(c) shall include a copy of the notice referred to in paragraph (2)(a).

INTERIM AIRPORT CERTIFICATE

7.(1) The Minister may, by mail, telex or facsimile machine, issue to an applicant referred to in section 5 or a transferee referred to in section 6 an interim airport certificate authorizing the applicant or transferee to operate an aerodrome as an airport if the Minister is satisfied that

- (a) an airport certificate in respect of the aerodrome will be issued to the applicant or transferred to the transferee as soon as the application procedure in respect of the issuance or transfer is completed; and
- (b) the issuance of the interim airport certificate is in the public interest and not detrimental to aviation safety.

(2) An interim airport certificate issued pursuant to subsection (1) shall expire on the earlier of

- (a) the date on which the airport certificate is issued or transferred; and
- (b) the date specified in the interim airport certificate on which it will expire.

(3) These Regulations apply to an interim airport certificate in the same manner as they apply to an airport certificate.

AMENDMENT OF AIRPORT CERTIFICATE

8. The Minister may, provided that the requirements of section 5 and paragraph 10(1)(c) are met, amend an airport certificate where

- (a) there is a change in the use or operation of the airport;
- (b) there is a change in the boundaries of the airport; or
- (c) the holder of the airport certificate requests the amendment.

OBLIGATIONS OF OPERATOR

9.(1) The operator of an airport shall

- (a) comply with the standards set out in the aerodrome standards and recommended practices publications, as they read on the date on which the airport certificate was issued, and with any conditions specified in the airport certificate by the Minister pursuant to subsection 5(3);
- (b) without charge, at the request of a Department of Transport inspector, allow access to airport facilities and provide the equipment necessary to conduct an inspection of the airport;
- (c) review each issue of each aeronautical information publication on receipt thereof and, immediately after such review, notify the Minister of any inaccurate information contained therein that pertains to the airport;

(d) notify the Minister in writing at least 14 days before any change to the airport, the airport facilities or the level of service at the airport that has been planned in advance and that is likely to affect the accuracy of the information contained in an aeronautical information publication;

(e) as the circumstances require for the purpose of ensuring aviation safety, inspect the airport

(i) as soon as practicable after any aviation occurrence, within the meaning of that term as defined in section 2 of the Canadian Transportation Accident Investigation and Safety Board Act,

(ii) during any period of construction or repair of the airport or of airport facilities that are designated in the airport certificate, and

(iii) at any other time when there are conditions at the airport that could affect aviation safety; and

(f) subject to paragraph (1)(d), notify the Minister in writing of any change in airport operations within 14 days after the date of the change.

(2) Subject to subsection (3), the operator of an airport shall give to the Minister, and cause to be received at the appropriate air traffic control unit or flight service station, immediate notice of any of the following circumstances of which the operator has knowledge:

(a) any projection by an object through an obstacle limitation surface relating to the airport;

(b) the existence of any obstruction or hazardous condition affecting aviation safety at or near the airport;

(c) any reduction in the level of services at the airport that are set out in an aeronautical information publication;

(d) the closure of any part of the manoeuvring area of the airport; and

(e) any other conditions that could affect aviation safety at the airport and against which precautions are warranted.

(3) Where it is not feasible for an operator to cause notice of a circumstance referred to in subsection (2) to be received at an air traffic control unit or a flight service station in accordance with that subsection, the operator shall give immediate notice directly to the pilots who may be affected by that circumstance.

(4) The operator of an airport may remove from the surface of the airport any vehicle or other obstruction that is likely to be hazardous to aviation at or near the airport.

AIRPORT OPERATIONS MANUAL

10.(1) The operator of an airport shall

- (a) on the issuance of an airport certificate, provide the Minister with a copy of the airport operations manual, as approved by the Minister pursuant to subsection 5(2), and distribute copies of the appropriate portions to the persons and institutions referred to in the airport operations manual;
- (b) maintain the airport operations manual; and
- (c) submit to the Minister for approval any proposed amendment to the airport operations manual.

(2) The provisions of these Regulations that apply to the making of an airport operations manual also apply to any amendment to an airport operations manual.

(3) An airport operations manual shall be included in an airport certificate and shall set out the standards to be met and the services to be provided by an airport operator.

(4) An airport operations manual shall contain

- (a) a table of contents;
- (b) any information relating to administration of the airport, including

- (i) a record of any amendments to the airport operations manual,
- (ii) a list of holders of copies of the airport operations manual,
- (iii) a description of the procedure for amendment of the airport operations manual,
- (iv) a description of the organizational structure and operational procedures of the airport management,
- (v) an enumeration of the obligations of the operator referred to in section 9,
- (vi) an undertaking, signed by the operator, in respect of the operator's obligations under paragraphs 9(1)(c) and (d),
- (vii) a statement, signed by the operator, certifying that the airport operations manual is complete and accurate, and that the operator shall comply with all conditions and specifications referred to therein,
- (viii) a statement, signed by the Minister, that the Minister has approved the airport operations manual and any amendments thereto, and
- (ix) a copy of any agreement or memorandum of understanding that affects the operation of the airport;

(c) all information necessary to verify that the airport meets the applicable standards set out in the aerodrome standards and recommended practices publications, as they read on the date on which the airport certificate was

issued, and satisfies any conditions specified by the Minister pursuant to subsection 5(3) in respect of

- (i) physical characteristics,
- (ii) obstacle limitation surfaces,
- (iii) declared distances,
- (iv) lighting,
- (v) markers,
- (vi) markings,
- (vii) signs,
- (viii) emergency response measures,
- (ix) airport safety measures,
- (x) access to the movement area and control procedures, and
- (xi) apron management plans and apron safety plans;
- (d) an enumeration of the facilities and services provided and the measures in effect at the airport, including
 - (i) movement area maintenance services,
 - (ii) airport security measures,
 - (iii) measures for the removal of disabled aircraft,
 - (iv) air traffic services and aeronautical information and communication services,
 - (v) navigation aids,
 - (vi) aviation weather services, and
 - (vii) information services in respect of runway surface friction characteristics;
- (e) a description of movement area services and facilities provided at the discretion of the operator.

(5) The operator of an airport shall operate the airport in accordance with the airport operations manual.

WARNING NOTICES

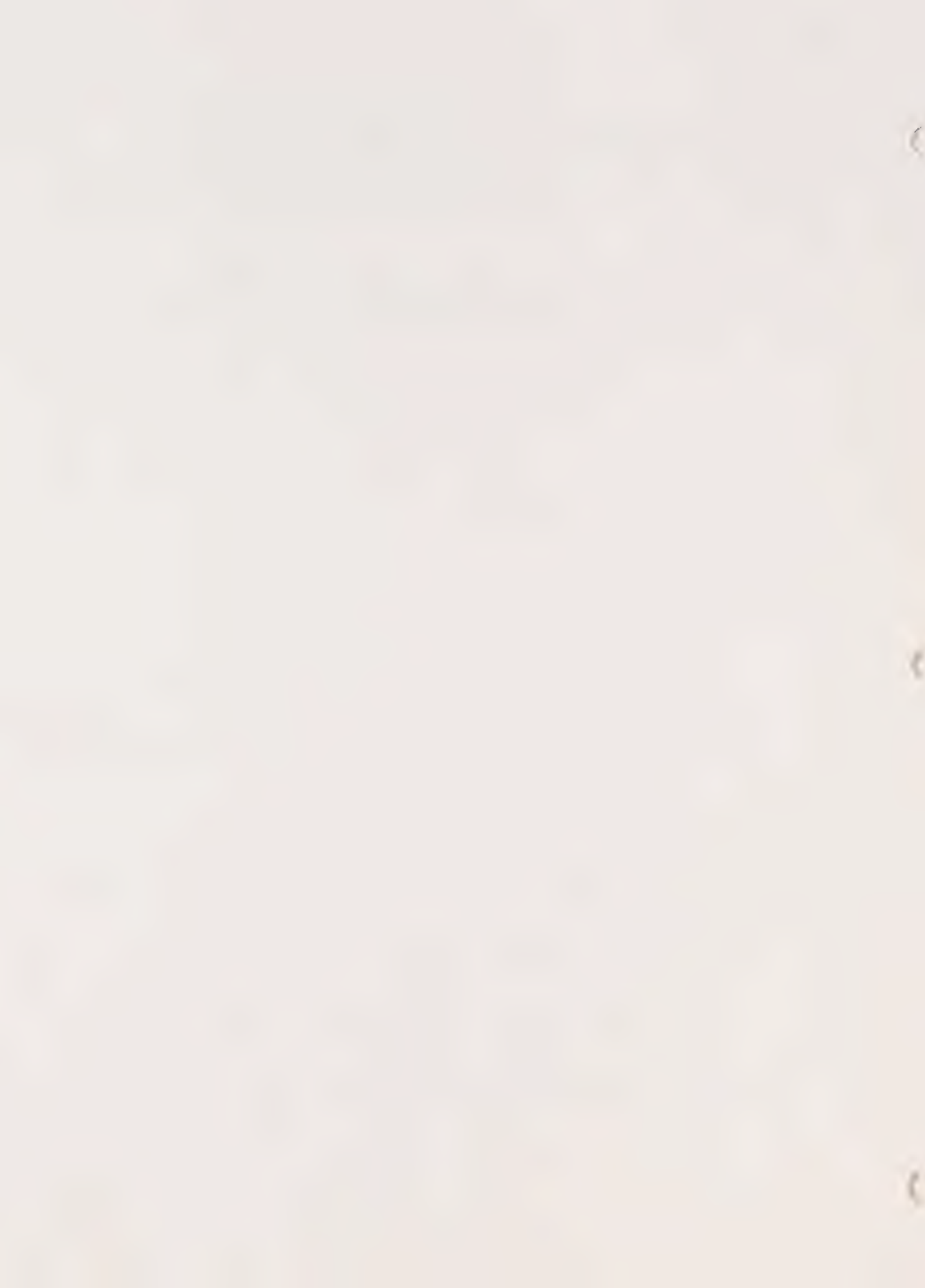
11. Where low-flying or taxiing aircraft at or near an airport are likely to be hazardous to pedestrian or vehicular traffic, the operator of the airport shall immediately

- (a) post notices warning of the hazard on any public way that is adjacent to the manoeuvring area; or
- (b) where such a public way is not owned or controlled by the operator, inform the authorities responsible for posting notices on the public way that there is a hazard.
- (c) in an area where smoking or an open flame is likely to create a fire hazard that could endanger persons or property.

(2) The operator of any airport may display flare pots to provide temporary lighting for the take-off or landing of aircraft.

(3) The operator of an airport may, in writing, authorize maintenance or servicing operations on an apron that involve the use, production or potential development of an open flame or that involve the production or potential development of a spark where the operations are conducted in a manner that is not likely to create a fire hazard that could endanger persons or property.

(4) The operator of an airport may permit smoking in an enclosed building or shelter located on an apron provided that such smoking is not likely to create a fire hazard that could endanger persons or property.



CANADIAN AVIATION REGULATION ADVISORY COUNCIL

1. GENERAL

This document introduces the Transport Canada Aviation Regulation advisory committee process.

(1) The name of the advisory committee is the "Canadian Aviation Regulation Advisory Council" (Short title: CARAC)

(2) The Director General, Aviation Regulation (DGAR) is the sponsor of CARAC.

(3) The effective date of the Council is July 1, 1993.

2. INTRODUCTION

The rulemaking process in Canada, under its current format, is highlighted by extensive processing and approval delays and is viewed by the aviation community as lacking public access and participation. There is also a need to bring the various rulemaking proposals to the notice of senior management at an earlier stage and to facilitate harmonization with other national aviation jurisdictions.

On December 2, 1992, the Honourable Don Mazankowski, Minister of Finance, delivered an Economic and Fiscal Statement in the House of Commons. Under the heading *Regulating More Efficiently*, the following statement was made:

An Aviation Regulation Council is being established that will directly involve industry in the regulation-making process. This will ensure the relevance of all existing rules and ensure industry has the room it needs to innovate.

The Canadian Aviation Regulation Advisory Council (CARAC) addresses the issues highlighted above and forms part of the renewed approach to consultation and rulemaking to improve Transport Canada Aviation's rulemaking process.

3. GOVERNING PRINCIPLES

CARAC is a joint undertaking of government and the aviation community. Participation includes a large number of organizations outside Transport Canada Aviation, selected as representing the overall viewpoint of the aviation community. These include operators and manufacturers with management and labour represented, professional associations and consumer groups.

In the conduct of its activities, CARAC follows the objectives of Public Service 2000 (PS 2000) *The Renewal of the Public Service*, the *Citizen's Code of Regulatory Fairness* and the *Regulatory Policy* published by the Regulatory Affairs Directorate of Treasury Board. The main theme of these documents is to foster ongoing participation and consultation with the regulated aviation community.

All recommendations for change to the aviation regulatory system must be made with a view to maintain or improve aviation safety in Canada. New proposals will be judged on the safety and efficiency that would result from their implementation.

Each CARAC member organization shall be represented by a delegate appointed by the member organization, and that delegate shall be authorized by the member organization to act on its behalf. In addition, each member organization may designate one or more alternate(s) for its appointed delegate.

4. OBJECTIVE

CARAC's prime objective is to assess and recommend potential regulatory changes through co-operative rulemaking activities, and is accomplished as follows:

(a) Various Technical Committees have been established to provide advice, recommendations, as well as draft rules, to the TC Aviation Regulatory Committee concerning the full range of TC Aviation's rulemaking mandate.

(b) CARAC also affords TC Aviation additional opportunities for exchanging ideas, information and insight with industry in respect of proposed rules and existing rules that may require revision or revocation. This advice results in the development of better rules in less overall time.

Notwithstanding the above, CARAC activities do not replace the public rulemaking procedures now in place within the Government of Canada, and formal consultation on proposed regulations through the *Canada Gazette*, Part I will continue. However, it is anticipated that by seeking the aviation community's input at the early stages of rulemaking, many of the delays experienced will be eliminated.

5. ORGANIZATION STRUCTURE

The CARAC is structured as follows:

A TC Aviation Regulatory Committee, composed of TC Aviation Senior Executives, identifies and establishes a priority of regulatory issues, and considers and directs the implementation of recommendations made to it. The TC Aviation Regulatory Committee also provides advice and recommendations to the Transport Canada Assistant Deputy Minister, Aviation and the Aviation Safety Review Committee.

Technical Committees, with representation from both Transport Canada and the aviation community, review and analyze the issues assigned by the TC Aviation Regulatory Committee and make regulatory recommendations. Six standing Technical Committees will be established, relating to the *Canadian Aviation Regulations*, Parts II to VIII, titled as follows:

- Part II - Identification, Registration & Leasing of Aircraft (see Note)
- Part III - Aerodromes & Airports
- Part IV - Personnel Licensing
- Part V - Airworthiness
- Part VI - General Operating & Flight Rules
- Part VII - Commercial Air Service Operations
- Part VIII - Air Traffic Services

NOTE: CARAC activities associated with Part II regarding Identification, Registration & Leasing of Aircraft will be included in the Part VII of Commercial Air Service Operations Technical Committee.

In addition to the activities assigned to these Technical Committees, the TC Aviation Regulatory Committee will also consider requests for the establishment of other Technical Committees to advise on regulatory issues that relate to other or more specific subject areas, or which fall within the mandate of industry or government/industry committees already established. Such requests should be made in writing and may be submitted to the CARAC Secretariat (see Section 8 for address) or to the TC Aviation Regulatory Committee Chair at the following address:

Transport Canada Aviation (AAR)
Director General, Aviation Regulation
Ottawa, Ontario
K1A 0N8

Working Groups composed of specialists representing both government and the aviation community develop proposals and recommendations for the assigned tasks, and implement those that are approved. Working Groups are formed by and report to Technical Committees, as required, and are limited to the period required to complete the assigned task.

A Secretariat has been established and is responsible for the management of CARAC, on behalf of the TC Aviation Regulatory Committee.

6. PROJECT RESOURCES

Apart from the full-time Secretariat, resource support is solicited from within TC Aviation and the aviation community, as required. Participation of individuals is sought through contact with the TC Aviation Regulatory Committee and Technical Committees. Agreements are negotiated with the nominees' parent organizations with regard to the area of assignment, role and responsibilities, and the duration of the assignment.

Costs incurred by organizations outside Transport Canada Aviation are expected to be borne by those organizations; however TC Aviation will provide, where available, meeting facilities and secretarial functions, such as minute taking.

7. COMMUNICATION AND EXTERNAL RELATIONSHIPS

Comprehensive and timely communications are to be given top priority. The extensive participation of representatives from the aviation community and from within TC Aviation in every facet of CARAC is expected to assure a high level of communication with the aviation community.

The Secretariat's communication strategy includes:

- (a) distribution of bulletin, newsletters and reports, as required; and
- (b) an electronic bulletin board system (see Section 9).

Periodic updates on the activities of CARAC will be published in *A.I.P. Canada* as *Aviation Notices*.

8. INFORMATION

The information presented herein is published in greater detail in the *CARAC Management Charter and Procedures* (TP 11733E). People interested in becoming CARAC members or wishing to obtain more information concerning CARAC may contact:

Transport Canada Aviation (AARBH)
CARAC Secretariat
Ottawa, Ontario
K1A 0N8

Telephone: (613) 990-1184
FAX: (613) 990-1198

9. BULLETIN BOARD SYSTEM

9.1 Purpose

The purpose of this document is to announce the availability of an electronic Bulletin Board System (BBS) which provides CARAC members with a vehicle for obtaining regulatory documents and other related information produced through CARAC. The BBS is intended to help keep the industry aware of the status of CARAC and of the resulting regulatory documents.

The BBS is designed to meet the communication strategy of CARAC where comprehensive and timely communications are to be given top priority. Representatives from the aviation community, other government departments and from within Transport Canada Aviation are invited to use the BBS.

9.2 BBS Access

The Bulletin Board System provides a free, 24-hour service.

The following equipment is required to access the CARAC BBS:

- (a) a personal computer;
- (b) a modem;
- (c) communication software; and
- (d) a telephone line.

The user's communication software should be set as follows:

Baud rate:	The baud rate of the user's modem (the BBS supports up to 9600 baud)
Databits:	8
Parity:	None
Stop bits:	1
Protocol	X or Z modem recommended (but most protocols are supported)
Local echo:	Off

The BBS has three telephone numbers at this time:

1-800-461-6109, (613) 941-8363 or (613) 941-8364.

As in most BBS, first time users will be asked to complete a short questionnaire to provide the BBS administrators with statistical data. Subsequent access will only require a name and a user-assigned password.

9.3 File Formats

All of the BBS files are in text data format and can be read by most word processing software programs, including WordPerfect and MS Word. These programs require that the file be imported in ASCII format. For most of these software packages, this import will occur automatically.

9.4 File Standard

- (a) Files with a ".TXT" extension will contain English text; and
- (b) Files with a ".FRE" extension will contain French text.

9.5 User Assistance

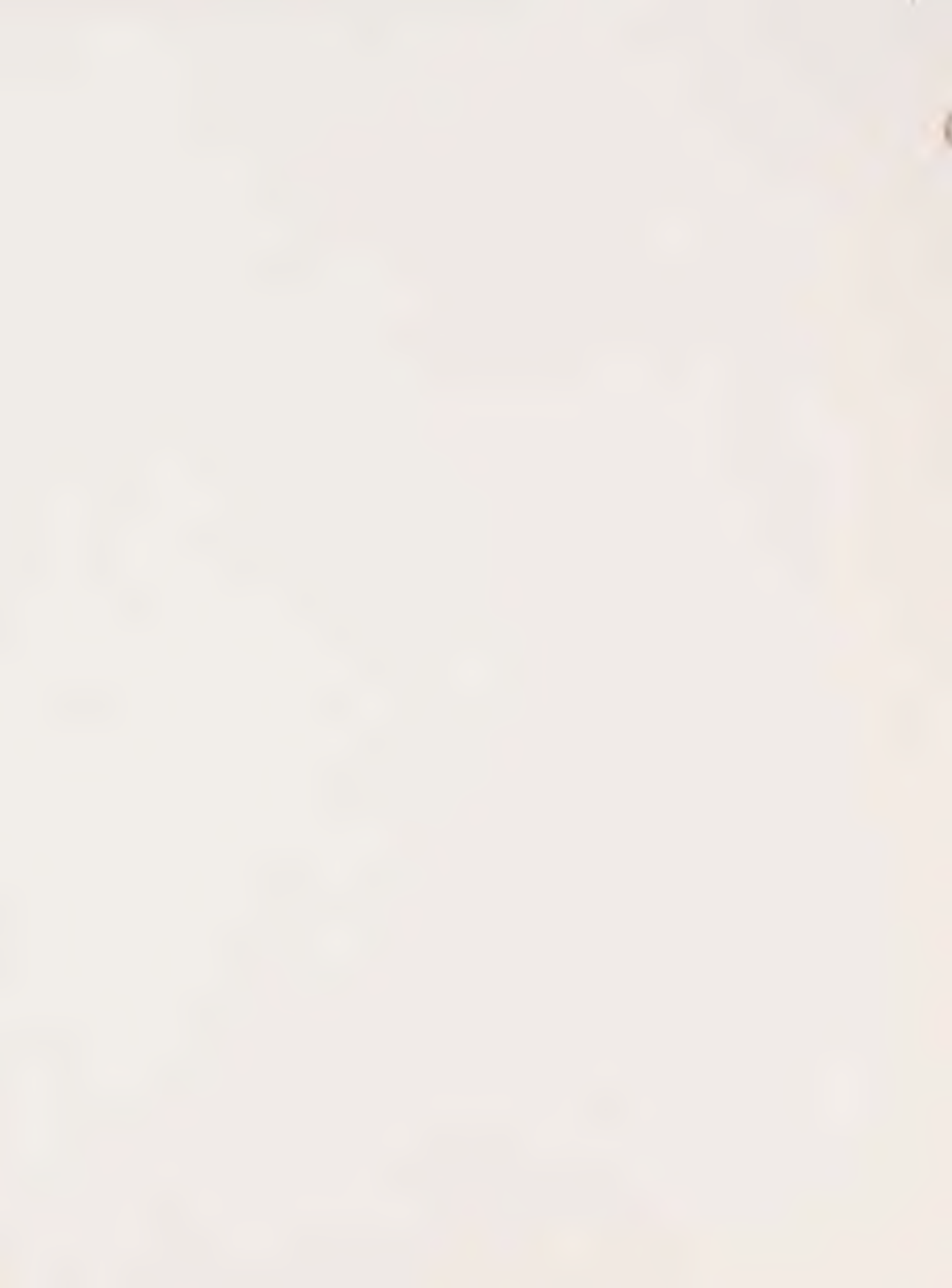
All of the commands that are available to the user at any point in the system are contained in the Help Index. Help can be accessed by pressing the letter "H" whenever indicated by the menus or by typing "H Newuser" at the main board command prompt. Users are encouraged to access the help screens, from most locations in the system, as a means of becoming familiar with the available BBS functions.

A User Manual can be found in the Main Board file directory set and can be downloaded to the user's computer in a manner similar to any other file on the BBS.

Assistance with any problems encountered with the BBS is available during normal working hours (Eastern time) by contacting the Manager, CARAC Secretariat. (See Section 8 for address and telephone/FAX numbers.)

9.6 User Feed-Back

The CARAC Secretariat is interested in users' suggestions for improving the services provided by the BBS. Comments and suggestions may be forwarded via either the BBS E-Mail function, or in writing. (See Section 8 for address and telephone/FAX numbers.)





AERONAUTICS ACT

Amendment Instructions (Published 2002/12/01)

<i>Remove</i>	<i>Insert</i>
pages 3-4 pages 7-8 pages 11-14 pages 55-57	pages 3-4 pages 7-8 pages 11-14 pages 55-58

Summary of Amendments:

The following revisions are included in this amendment:

3(1), amended (english only)
 4.4(5), amended (english only)
 5.7(1), amended (french only)
 4.83, added
 List of Amendments, amended

(Canadian Government Publishing Catalogue No. T52-2/1998-2E)



AERONAUTICS ACT

Amendment Instructions (Published 2000/06/01)

<i>Remove</i>	<i>Insert</i>
pages 3-4 pages 9-12 pages 55-57	pages 3-4 pages 9-12 pages 55-57

Summary of Amendments:

The following revisions are included in this amendment:

3(1)

4.7(1), (5)-(8)

List of Amendments

(Canadian Government Publishing Catalogue No. T52-2/1998-1E)

*For ease of reference,
the current amendments to this subpart have been highlighted.*

AERONAUTICS ACT

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CHAPTER A-2

AERONAUTICS ACT

(Office Consolidation)

An Act to authorize the control of aeronautics

SHORT TITLE

Short title

1. This Act may be cited as the *Aeronautics Act*.

HER MAJESTY

Binding on Her Majesty

2. This Act is binding on Her Majesty in right of Canada or a province.

INTERPRETATION

Definitions

3. (1) In this Act,

“aerodrome”

« aérodrome »

“aerodrome” means any area of land, water (including the frozen surface thereof) or other supporting surface used, designed, prepared, equipped or set apart for use either in whole or in part for the arrival, departure, movement or servicing of aircraft and includes any buildings, installations and equipment situated thereon or associated therewith;

“aeronautical product”

« produits aéronautiques »

“aeronautical product” means any aircraft, aircraft engine, aircraft propeller or aircraft appliance or part or the component parts of any of those things, including any computer system and software;

“air carrier”

« transporteur aérien »

“air carrier” means any person who operates a commercial air service;

“aircraft”

« aéronef »

“aircraft” means

(a) until the day on which paragraph (b) comes into force, any machine capable of deriving support in the atmosphere from reactions of the air, and includes a rocket, and

(b) on and after the day on which this paragraph comes into force, any machine capable of deriving support in the atmosphere from reactions of the air, other than a machine designed to derive support in the atmosphere from reactions against the earth’s surface of air expelled from the machine, and includes a rocket;

“airport”

« aéroport »

“airport” means an aerodrome in respect of which a Canadian aviation document is in force;

“air navigation services”

« services de navigation aérienne »

“air navigation services” has the same meaning as in subsection 2(1) of the *Civil Air Navigation Services Commercialization Act*;

“air traffic control services”

« services de contrôle de la circulation aérienne »

“air traffic control services” has the same meaning as in subsection 2(1) of the *Civil Air Navigation Services Commercialization Act*;

“ANS Corporation”

« société »

“ANS Corporation” means NAV CANADA, a corporation incorporated on May 26, 1995 under Part II of the *Canada Corporations Act*;

“Canadian aircraft”

« aéronef canadien »

“Canadian aircraft” means an aircraft registered in Canada;

“Canadian aviation document”

« document d’aviation canadien »

“Canadian aviation document” means any licence, permit, accreditation, certificate or other document issued by the Minister under Part I to or with respect to any person or in respect of any aeronautical product, aerodrome, facility or service;

“Civil air navigation services”

« services de navigation aérienne civile »

“civil air navigation services” has the same meaning as in subsection 2(1) of the *Civil Air Navigation Services Commercialization Act*;

“commercial air service”

« service aérien commercial »

“commercial air service” means any use of aircraft for hire or reward;

“hire or reward”

« rémunération »

“hire or reward” means any payment, consideration, gratuity or benefit, directly or indirectly charged, demanded, received or collected by any person for the use of an aircraft;

“Minister”

« ministre »

“Minister” means

(a) subject to paragraph (b), the Minister of Transport or such other Minister as is designated by the Governor in Council as the Minister for the purposes of this Act, and

(b) with respect to any matter relating to defence, including any matter relating to military personnel or a military aircraft, military aerodrome or military facility of Canada or a foreign state, the Minister of National Defence or, under the direction of the Minister of National Defence, the Chief of the Defence Staff appointed under the *National Defence Act*;

“pilot-in-command”

« commandant de bord »

“pilot-in-command” means, in relation to an aircraft, the pilot having responsibility and authority for the operation and safety of the aircraft during flight time;

“registered owner”

« propriétaire enregistré »

“registered owner”, in respect of an aircraft, means the person to whom a certificate of registration for the aircraft has been issued by the Minister under Part I or in respect of whom the aircraft has been registered by the Minister under that Part;

“superior court”

« juridiction supérieure »

“superior court” means

(a) in the Provinces of Prince Edward Island and Newfoundland, the trial division of the Supreme Court of the Province,

(a.1) in the Province of Ontario, the Superior Court of Justice,

(b) in the Province of Quebec, the Superior Court of the Province,

(c) in the Provinces of New Brunswick, Manitoba, Saskatchewan and Alberta, the Court of Queen’s Bench for the Province,

(d) in the Provinces of Nova Scotia and British Columbia, the Supreme Court of the Province, and

(e) the Supreme Court of Yukon, the Supreme Court of the Northwest Territories and the Nunavut Court of Justice;

“Tribunal”

« Tribunal »

“Tribunal” means the Civil Aviation Tribunal established by subsection 29(1).

“Minister” for certain purposes

(2) Notwithstanding the definition “Minister” in subsection (1), “Minister”, in relation to any matter referred to in paragraph 4.2(n), 4.9(p), (q) or (r), section 6.3 or paragraph 8.7(1)(b), means the Minister of National Defence.

PART I

AERONAUTICS

Application of Part

Application of Part

4. (1) Subject to any regulations made pursuant to paragraph 4.9(w), this Part applies in respect of aeronautics to all persons and to all aeronautical products and other things in Canada, to all persons outside Canada who hold Canadian aviation documents and to all Canadian aircraft and passengers and crew members thereon outside Canada.

Application of foreign law

(2) Every person exercising the privileges accorded by a Canadian aviation document in a foreign state and every Canadian aircraft operated in a foreign state shall comply with or be operated in accordance with the applicable aeronautics laws of that state.

Conflicts

(3) Nothing in this Part shall be construed as requiring a person or aircraft to contravene or be operated in contravention of a law of a foreign state that applies to or in respect of the person or aircraft.

Contraventions outside Canada

4.1 Every person who commits an act or omission outside Canada that if committed in Canada would be a contravention of a provision under this Part shall be deemed to have committed a contravention of the provision under this Part and may be proceeded against and punished in the place in Canada where the person is found as if the contravention had been committed in that place.

Responsibilities of Minister

Minister's responsibilities respecting aeronautics

4.2 The Minister is responsible for the development and regulation of aeronautics and the supervision of all matters connected with aeronautics and, in the discharge of those responsibilities, the Minister may

- (a) promote aeronautics by such means as the Minister considers appropriate;
- (b) construct, maintain and operate aerodromes and establish and provide other facilities and services relating to aeronautics;
- (c) establish and provide facilities and services for the collection, publication or dissemination of information relating to aeronautics and enter into arrangements with any

person or branch of government for the collection, publication and dissemination of that information;

(d) undertake, and cooperate with persons undertaking, such projects, technical research, study or investigation as in the opinion of the Minister will promote the development of aeronautics;

(e) control and manage all aircraft and equipment necessary for the conduct of any services of Her Majesty in right of Canada;

(f) establish aerial routes;

(g) cooperate with officers of Her Majesty in right of Canada and assist them in providing any services under their jurisdiction that may require any aerial work and collaborate with officers employed in aviation services of Her Majesty in such extension of their work as the development of aeronautics may require;

(h) take such action as may be necessary to secure by international regulation or otherwise the rights of Her Majesty in right of Canada in international air traffic;

(i) cooperate with officers of Her Majesty in right of Canada on all matters relating to defence;

(j) cooperate or enter into administrative arrangements with aeronautics authorities of other governments or foreign states with respect to any matter relating to aeronautics;

(k) investigate, examine and report on the operation and development of commercial air services in, to or from Canada;

(l) provide financial and other assistance to persons, governments and organizations in relation to matters pertaining to aeronautics;

(m) for the purposes of providing aviation weather services that will ensure the safety, regularity and efficiency of aircraft operation, enter into arrangements with any branch of the Government of Canada that is capable of and responsible for providing those services or, where those arrangements cannot be made, enter into arrangements with any person or organization with respect to the provision of those services in such form and manner and at such places as the Minister considers necessary;

(n) investigate matters concerning aviation safety; and

(o) undertake such other activities in relation to aeronautics as the Minister considers appropriate or as the Governor in Council may direct.

Delegation by Minister

4.3 (1) The Minister may authorize members of the Royal Canadian Mounted Police or any other person to exercise or perform, subject to such restrictions or limitations as the Minister may specify, any of the powers, duties or functions of the Minister under this Part except,

subject to subsection (3), any power conferred on the Minister by the Governor in Council to make regulations or orders.

Ministerial orders

(2) The Governor in Council may by regulation authorize the Minister to make orders with respect to any matter in respect of which regulations of the Governor in Council under this Part may be made.

Deputy may be authorized to make orders

(3) The Minister may authorize his deputy to make orders with respect to the matters referred to in paragraph 4.9(1).

Charges

Regulations imposing charges

4.4 (1) The Governor in Council may make regulations imposing, with respect to aircraft in flight in Canada, charges for the availability during flights of any facility or service provided by or on behalf of the Minister.

Idem

(2) The Governor in Council may make regulations, or may, by order, subject to and in accordance with such terms and conditions as may be specified in the order, authorize the Minister to make regulations, imposing charges

(a) for the use of

(i) any facility or service provided by or on behalf of the Minister for or in respect of any aircraft, whether or not, where the facility or service is provided during flight, the flight originates or terminates in Canada or any portion of the flight is over Canada,

(ii) any other facility or service provided by or on behalf of the Minister at any aerodrome, or

(iii) any aerodrome operated by or on behalf of Her Majesty in right of Canada; or

(b) in respect of the issue, renewal, amendment or endorsement of any document issued or to be issued under this Part or any action preparatory thereto, whether or not the document is issued, renewed, amended or endorsed.

Regulations respecting charges

(3) Any regulation made under subsection (1) or (2) may prescribe the amount of charges imposed thereunder.

Debt due to Her Majesty

(4) All charges imposed under this section constitute a debt due to Her Majesty in right of Canada and may be recovered as such in any court of competent jurisdiction.

Joint and several or solidary liability

(5) If a charge is imposed in respect of an aircraft under this section, both the registered owner and the operator of the aircraft are jointly and severally, or solidarily, liable for payment of the charge.

Security for payment of charges

(6) The Governor in Council may make regulations requiring registered owners and operators of aircraft who have failed to pay on time any charges imposed under this section to deposit each year with the Minister security in the form of a bond or letter of credit and in an amount satisfactory to the Minister to ensure full payment of the charges to be imposed in the next following year in respect of the aircraft.

4.41 (1) No order or regulation may be made under this Part that has the effect of imposing charges for civil air navigation services.

(2) No order or regulation may be made under this Part that has the effect of imposing charges for air navigation services provided by or on behalf of the Minister of National Defence if

(a) the charges are for services referred to in subsection 10(1) of the *Civil Air Navigation Services Commercialization Act*, or

(b) the charges are for services that are similar to services that the ANS Corporation provides and charges for in respect of Canadian airspace or any other airspace in respect of which Canada has responsibility for the provision of air traffic control services.

Seizure and detention for charges

4.5 (1) Where the amount of any charge and interest thereon due by a person that has been imposed under section 4.4 has not been paid, the Minister may, in addition to any other remedy available for the collection of the amount and whether or not a judgment for the collection of the amount has been obtained, on application to the superior court of the province in which any aircraft owned or operated by the person is situated, obtain an order of the court, issued on such terms as the court deems necessary, authorizing the Minister to seize and detain the aircraft.

Idem

(2) Where the amount of any charge and interest thereon due by a person that has been imposed under section 4.4 has not been paid and the Minister has reason to believe that the person is about to leave Canada or take from Canada any aircraft owned or operated by the

person, the Minister may, in addition to any other remedy available for the collection of the amount and whether or not a judgment for the collection of the amount has been obtained, on ex parte application to the superior court of the province in which any aircraft owned or operated by the person is situated, obtain an order of the court, issued on such terms as the court deems necessary, authorizing the Minister to seize and detain the aircraft.

Release on payment

(3) Subject to subsection (4), except where otherwise directed by an order of a court, the Minister is not required to release from detention an aircraft seized under subsection (1) or (2) unless the amount in respect of which the seizure was made is paid.

Release on security

(4) The Minister shall release from detention an aircraft seized under subsection (1) or (2) if a bond or other security in a form satisfactory to the Minister for the amount in respect of which the aircraft was seized is deposited with the Minister.

Exempt aircraft

4.6 (1) Any aircraft of a person referred to in subsection 4.5(1) or (2) that would be exempt from seizure under a writ of execution issued out of the superior court of the province in which the aircraft is situated, is exempt from seizure and detention under that subsection.

Idem

(2) The Governor in Council may by regulation exempt any aircraft from seizure and detention under section 4.5.

AVIATION SECURITY

Interpretation

4.7 (1) In this section,

“authorized search”

« fouille »

“authorized search” means a search carried out in such manner and under such circumstances as may be prescribed by regulations of the Governor in Council;

“goods”

« biens »

“goods” means anything that may be taken or placed on board an aircraft as personal belongings, baggage or cargo;

“screening officer”

« agent de contrôle »

“screening officer” means such person as may be designated by the Minister to be a screening officer for the purposes of this section.

Aviation security regulations

(2) For the purposes of protecting passengers, crew members, aircraft and aerodromes and other aviation facilities, preventing unlawful interference with civil aviation and ensuring that appropriate action is taken where that interference occurs or is likely to occur, the Governor in Council may make regulations respecting aviation security.

Idem

(3) For the purposes of protecting passengers, crew members, aircraft and aerodromes and other aviation facilities and preventing unlawful interference with civil aviation, no operator of an aircraft registered outside Canada shall land the aircraft at an aerodrome in Canada unless the aircraft and all persons and goods on board the aircraft have been subjected to security measures that are equivalent to those instituted under this section.

Security measures instituted by Minister

(4) For the purposes described in subsection (2), the Minister may institute, maintain and carry out, at aerodromes, on aircraft and in respect of any aviation facility or service, in lieu of or in addition to the security measures instituted under subsection (2), such security measures as the Minister considers necessary for those purposes.

Search of persons and goods

(5) No person who, before boarding an aircraft, is required by a screening officer

(a) to submit to an authorized search of his person, or

(b) to permit an authorized search to be carried out of the goods that the person intends to take or have placed on board the aircraft shall board the aircraft unless the person submits to an authorized search or permits an authorized search to be carried out, as the case may be.

Search on board aircraft

(6) Where, after having boarded an aircraft, a person who is required by a screening officer

(a) to submit to an authorized search of his person, or

(b) to permit an authorized search to be carried out of the goods that the person took or had placed on board the aircraft refuses to submit to an authorized search or to permit an authorized search to be carried out, as the case may be, the security officer may order that person to leave the aircraft and remove from the aircraft the goods that the person took or

had placed on board the aircraft, and the person shall thereupon leave the aircraft and remove or authorize the removal of the goods from the aircraft.

Search of goods

(7) No person who, having been required by a screening officer to permit an authorized search of goods that the person intends to have transported on an aircraft, refuses to permit the search to be carried out shall place or attempt to place the goods or cause the goods to be placed on board the aircraft.

Unaccompanied goods

(8) Where goods are received at an aerodrome for transport on an aircraft and are not accompanied by a person who may give the permission referred to in subsection (7), a screening officer may carry out an authorized search of the goods and, in carrying out that search, may use such force as may reasonably be necessary to gain access to the goods.

Operator of aerodrome to post notice

(9) Where security measures are instituted under this section to observe and inspect persons at an aerodrome or on aircraft at an aerodrome, the operator of the aerodrome shall post in prominent places, where persons are observed or inspected under those measures, a notice, in at least the official languages of Canada, stating that security measures are being taken to observe and inspect passengers and that no passenger is obliged to submit to a search of his person and goods if the passenger chooses not to board an aircraft.

Idem

(10) Where security measures are instituted under this section at an aerodrome to observe and inspect goods being placed on board an aircraft, the operator of the aerodrome shall post in prominent places, where goods are received at the aerodrome, a notice, in at least the official languages of Canada, stating that security measures are being taken to observe and inspect goods and that no person intending to place any goods on board an aircraft is obliged to permit a search to be carried out of the goods if the person chooses not to have them placed on the aircraft.

Unauthorized disclosures of orders

4.8 (1) No person other than the Minister shall disclose to any other person the substance of any order that has been made by the Minister under subsection 4.3(2) in respect of aviation security unless the disclosure is required by law or is necessary to give effect to the order.

Court to inform Minister

(2) Where, in any proceedings before a court or other body having jurisdiction to compel the production or discovery of information, a request is made for the production or discovery of any order referred to in subsection (1), the court or other body shall, if the Minister is not a party to the proceedings, cause a notice of the request to be given to the Minister and shall, in camera, examine the order and give the Minister a reasonable opportunity to make representations with respect thereto and, if the court or other body concludes in the circumstances of the case that the public interest in the proper administration of justice outweighs in importance the privilege attached to the order by virtue of subsection (1), the court or other body shall order the production and discovery, subject to such

restrictions or conditions as the court or other body deems appropriate, and may require any person to give evidence that relates to the order.

Foreign states requiring information

4.83 (1) Despite section 5 of the *Personal Information Protection and Electronic Documents Act*, to the extent that that section relates to obligations set out in Schedule 1 to that Act relating to the disclosure of information, an operator of an aircraft departing from Canada or of a Canadian aircraft departing from any place outside Canada may, in accordance with the regulations, provide to a competent authority in a foreign state any information that is in its control relating to persons on board or expected to be on board the aircraft and that is required by the laws of the foreign state.

Restrictions government institutions

(2) No information provided under subsection (1) to a competent authority in a foreign state may be collected from that foreign state by a government institution, within the meaning of section 3 of the *Privacy Act*, unless it is collected for the purpose of protecting national security or public safety or for the purpose of defence, and any such information collected by the government institution may be used or disclosed by it only for one or more of those purposes.

Regulations

(3) The Governor in Council may make regulations generally for carrying out the purposes of this section, including regulations

- (a) respecting the type or classes of information that may be provided; or
- (b) specifying the foreign states to which information may be provided.

GENERAL REGULATORY POWERS

Regulations respecting aeronautics

4.9 The Governor in Council may make regulations respecting aeronautics and, without restricting the generality of the foregoing, may make regulations respecting

- (a) the accreditation or licensing of
 - (i) flight crew members, air traffic controllers, operators of equipment used to provide services relating to aeronautics and other persons providing services relating to aeronautics, and
 - (ii) persons engaged in the design, manufacture, distribution, maintenance, approval, certification or installation of aeronautical products and the installation, maintenance, approval and certification of equipment used to provide services relating to aeronautics;
- (b) the design, manufacture, distribution, maintenance, approval, installation, inspection, registration, licensing, identification and certification of aeronautical products;
- (c) the design, installation, inspection, maintenance, approval and certification of equipment and facilities used to provide services relating to aeronautics;
- (d) the approval of flight training equipment;
- (e) activities at aerodromes and the location, inspection, certification, registration, licensing and operation of aerodromes;

- (f) noise emanating from aerodromes and aircraft;
- (g) the certification of air carriers;
- (h) the conditions under which aircraft may be used or operated or under which any act may be performed in or from aircraft;
- (i) the conditions under which persons or personal belongings, baggage, goods or cargo of any kind may be transported by aircraft;
- (j) the areas within which aircraft coming from outside Canada are to land and the conditions to which such aircraft are subject;
- (k) the classification and use of airspace and the control and use of aerial routes;
- (l) the prohibition of the use of airspace or aerodromes;
- (m) the prohibition of the doing of any other act or thing in respect of which regulations under this Part may be made;
- (n) the enforcement of such laws as may be deemed necessary for the safe and proper operation of aircraft;
- (o) the use and operation of any objects that in the opinion of the Minister are likely to be hazardous to aviation safety;
- (p) the preservation, protection and removal of aircraft involved in accidents, personal belongings, baggage, goods, cargo of any kind thereon, and of any records pertaining to the aircraft or its flight, the preservation, protection, removal and testing of any part of such aircraft and the protection of sites of aircraft accidents;
- (q) the investigation of any accident involving an aircraft, any alleged contravention under this Part or any incident involving an aircraft that, in the opinion of the Minister, endangered the safety of persons;
- (r) the taking of statements by investigators for the purpose of an investigation referred to in paragraph (q);
- (s) the keeping and preservation of records and documents relating to aerodromes, to activities, with respect to aeronautics, of persons who hold Canadian aviation documents and to aeronautical products and equipment and facilities used to provide services relating to aeronautics;
- (t) the handling, marking, storage and delivery of fuel and any lubricants or chemicals used during or in connection with the operation of aircraft;
- (u) the provision of facilities, services and equipment relating to aeronautics;
- (v) the provision of aviation weather services by persons other than Her Majesty in right of Canada; and
- (w) the application of the Convention on International Civil Aviation signed at Chicago, 7 December 1944, as amended from time to time.

Regulations

4.91 (1) The Governor in Council may make regulations authorizing the Minister to make orders directing the ANS Corporation to maintain or increase the level of civil air navigation

services it provides in accordance with such terms and conditions as may be specified in the orders.

Order must relate to safety

(2) The Minister may make an order under subsection (1) if the Minister is of the opinion that the order is necessary for aviation safety or the safety of the public.

No compensation

(3) The ANS Corporation is not entitled to financial compensation for any financial losses that result or may result from the Minister making an order result from the Minister making an order under subsection (1).

Exemption

(4) An order under subsection (1) is exempt from examination, registration or publication under the *Statutory Instruments Act*.

Hours of work limitation and insurance

5. The Governor in Council may make regulations

(a) limiting the hours of work of crew members of any aircraft operated by air carriers and of crew members of any aircraft used for carrying passengers;

(b) requiring owners and operators of aircraft to subscribe for and carry liability insurance and specifying the minimum amount of that insurance if the owners and operators are not required by regulations made by the Canadian Transportation Agency to subscribe for and carry liability insurance, and

(c) requiring persons providing aeronautical radio navigation services, within the meaning of subsection 2(1) of the *Civil Air Navigation Services Commercialization Act*, to subscribe for and carry liability insurance and specifying the minimum amount of that insurance.

Restrictions and prohibitions for safety purposes

5.1 The Minister or any person authorized by the Minister may by notice prohibit or restrict the operation of aircraft on or over such areas or within such airspace, and either absolutely or subject to such exceptions or conditions as the Minister or person may specify, if, in the opinion of the Minister or person, the prohibition or restriction is necessary to ensure aviation safety.

Relationship to *Radio Act*

5.2 Regulations made under this Part respecting

(a) aeronautical products or equipment or facilities used to provide services relating to aeronautics,

(b) persons who operate or are engaged in the design, installation, inspection, maintenance, approval and certification of aeronautical products, equipment or facilities, or

(c) the provision of information services in relation to the operation of aircraft or conditions of flight are in addition to and not in derogation of the provisions of the *Radiocommunication Act* and regulations made under that Act and, where there is any conflict between any regulation made under this Part and any regulation made under the *Radiocommunication Act*, the regulation made under the *Radiocommunication Act* prevails.

Relationship to *Explosive Act*

5.3 Regulations made under this Part respecting the use and operation of rockets are in addition to and not in derogation of the provisions of the *Explosive Act* and regulations made thereunder and, where there is any conflict between any regulation respecting rockets made under this Part and any regulation made under the *Explosive Act*, the regulation made under the *Explosive Act* prevails.

AIRPORT ZONING

Definitions

5.4 (1) In this section and in sections 5.5 to 5.81,

“airport site”

« zone aéroportuaire »

“airport site” means any land, not being a part of an existing airport,

(a) the title to which is vested in or that otherwise belongs to Her Majesty in right of Canada,
or

(b) in respect of which a notice of intention to expropriate under section 5 of the *Expropriation Act* has been registered and that is declared by order of the Governor in Council to be required for use as an airport;

“federal airport”

« aéroport fédéral »

“federal airport” includes a military aerodrome;

“lands”

« biens-fonds »

“lands” include water (and the frozen surface thereof) and any other supporting surface;

“object”

« éléments »

“object” includes an object of natural growth;

“owner”

« propriétaire »

“owner” in respect of land or a building, structure or object, includes any person other than a lessee, who has a right, title or interest in the land, building, structure or object that is a recognized right, title or interest therein under the law of the province in which it is situated;

“provincial authority”

« autorité provinciale »

“provincial authority” means an authority in a province responsible for the regulation of land use;

“zoning regulation”

« règlements de zonage »

“zoning regulation” means any regulation made pursuant to subsection (2).

Zoning regulation

(2) The Governor in Council may make regulations for the purposes of

(a) preventing lands adjacent to or in the vicinity of a federal airport or an airport site from being used or developed in a manner that is, in the opinion of the Minister, incompatible with the operation of an airport;

(b) preventing lands adjacent to or in the vicinity of an airport or airport site from being used or developed in a manner that is, in the opinion of the Minister, incompatible with the safe operation of an airport or aircraft; and

(c) preventing lands adjacent to or in the vicinity of facilities used to provide services relating to aeronautics from being used or developed in a manner that would, in the opinion of the Minister, cause interference with signals or communications to and from aircraft or to and from those facilities.

Conditions precedent

(3) The Governor in Council shall not make a zoning regulation under paragraph (2)(a) unless

(a) the Minister, after making a reasonable attempt to do so, has been unable to reach an agreement with the government of the province in which the lands to which the zoning regulation applies are situated providing for the use or development of the lands in a manner that is compatible with the operation of an airport; or

(b) in the opinion of the Minister, it is necessary to immediately prevent the use or development of the lands to which the zoning regulation applies in a manner that is incompatible with the operation of an airport.

Non-conforming uses, etc.

(4) No zoning regulation shall apply to or in respect of a use of land, buildings, structures or objects or a building, structure or object that, on the day on which the zoning regulation comes into force, exists as a use, building, structure or object that does not conform with the zoning regulation.

Deeming existence of certain things

(5) For the purposes of subsection (4), where on the day on which a zoning regulation comes into force, all approvals for construction required by law have been obtained permitting a building, structure or object that, if constructed, would not conform to the zoning regulation, the building, structure or object shall be deemed to exist on the day on which the zoning regulation comes into force.

Publication of notice of proposed regulation

5.5 (1) The Minister shall cause a notice of every zoning regulation that is proposed to be made to be published in two successive issues of at least one newspaper, if any, serving the area to which the proposed zoning regulation relates and in two successive issues of the *Canada Gazette*, and a reasonable opportunity shall be afforded to interested persons to make representations to the Minister with respect thereto.

Exception

(2) No notice of a proposed zoning regulation is required to be published under subsection (1) if

- (a) it has previously been published pursuant to this section, whether or not the proposed zoning regulation is altered as a result of representations referred to in subsection (1); or
- (b) the proposed zoning regulation would, in the opinion of the Minister, make no material substantive change in an existing zoning regulation.

Publication of zoning regulations

5.6 (1) In addition to the publication required by the *Statutory Instruments Act*, a copy of every zoning regulation shall, forthwith after it is made, be published in two successive issues of at least one newspaper, if any, serving the area to which the zoning regulation relates.

Deposit of regulation, plan and description

(2) A zoning regulation shall come into force in respect of the lands to which it applies when a copy thereof, together with a plan and description of the lands, signed by the Minister and by a land surveyor duly licensed in and for the province in which the lands are situated,

has been deposited on record in the office of the registrar or master of deeds or land titles or other officer with whom the title to land is registered or recorded in each county, district or registration division in which any part of the lands are situated.

Amendments

(3) Where a zoning regulation deposited pursuant to subsection (2) is amended, the amending regulation shall come into force when a copy thereof, signed in the manner provided in that subsection, is deposited in the same office or offices where the zoning regulation thereby amended was deposited, but a further plan and description need not be so deposited unless lands additional to those affected by the zoning regulation thereby amended are affected by the amending regulation.

Duty of the registrar

(4) For the purposes of subsections (2) and (3), the registrar or master of deeds or land titles or other officer with whom the title to land is registered or recorded shall receive and permanently retain in his office such zoning regulations and plans and descriptions as are deposited pursuant to those subsections and shall endorse thereon the day, hour and minute of their deposit.

Abandonment

(5) Where a notice of intention to expropriate for any of the purposes described in subsection 5.4(2) has been registered in accordance with the *Expropriation Act* and that intention is abandoned or is deemed to have been abandoned under that Act, any zoning regulation with respect to the lands affected by the abandonment shall thereupon cease to have effect.

Notice of entry to enforce compliance

5.7 (1) The Minister may by notice in writing to an owner or lessee who

(a) is making use of lands or a building, structure or object, or

(b) has a building, structure or object on any lands, in contravention of a zoning regulation, advise the owner or lessee that, unless, prior to such date as the Minister shall specify in the notice, being not earlier than thirty days after the date the notice is served or last published pursuant to subsection (2), the contravening use is permanently discontinued or the building, structure or object is removed or altered to the extent described by the Minister in the notice, as the case may require, the Minister intends to enter on the lands and take such steps as may be reasonably necessary to prevent the continuation of the contravening use or to remove or alter the building, structure or object.

Notice to contain statement

(2) A notice under subsection (1) shall

(a) contain a statement of the provisions of subsection (3); and

(b) be served on the owner or lessee to whom it is addressed personally or by registered or certified mail or, where the Minister is, after reasonable attempts, unable to ascertain the address or whereabouts of the owner or lessee, be

(i) posted on the land, building, structure or object to which the notice relates, and

(ii) published in two successive issues of at least one newspaper, if any, serving the area in which the land, building, structure or object is situated and in two successive issues of the *Canada Gazette*.

Objection

(3) An owner or lessee who objects to the intended entry or steps to be taken referred to in subsection (1) may, within thirty days after the date of service of the notice on the owner or lessee under subsection (2) or within thirty days after the date of the last publication of the notice under subsection (2), as the case may be, serve on the Minister, by registered or certified mail or by leaving at the Minister's office, an objection in writing indicating the nature of the objection and the grounds on which the objection is based.

Representations on objections

(4) Where the Minister has received an objection under subsection (3), the Minister shall, within a reasonable time thereafter, provide the owner or lessee who made the objection with a full opportunity before the Minister to be heard concerning the nature and grounds of the objection.

Notice of intentions after objections

(5) The Minister shall, forthwith after providing a full opportunity to be heard to an owner or lessee in relation to an objection, in writing served personally or by registered or certified mail, notify the owner or lessee whether the Minister intends to give effect to the objection and, where the Minister does not intend to do so, the notice shall state the Minister's reasons therefor.

Entry

(6) Where

(a) a notice to an owner or lessee under subsection (1) has been served or has been posted and published in accordance with subsection (2),

(b) a notice of objection by the owner or lessee has not been served on the Minister in accordance with subsection (3) or, the notice having been served and a full opportunity

afforded to the owner or lessee to be heard in relation thereto, the Minister has notified the owner or lessee pursuant to subsection (5) that the Minister does not intend to give effect to the objection, and

(c) the owner or lessee continues to make use of lands or any building, structure or object thereon in contravention of the zoning regulation in respect of which the notice was issued or continues to have a building, structure or object on lands in contravention of the zoning regulation, as the case may be, the Minister may, subject to subsection 8.7(4), enter on the lands and take such steps as may be reasonably necessary to prevent the continuation of the contravening use or to remove or alter the building, structure or object, as the case may require.

Notices not statutory instruments

(7) A notice under this section shall be deemed not to be a statutory instrument for the purposes of the *Statutory Instruments Act*.

No right to compensation, etc.

5.8 No person is entitled to any compensation or costs for any loss, damage, removal or alteration resulting from the application of a zoning regulation to any lands, building, structure or object.

Agreements with a provincial authority

5.81 (1) The Minister may enter into an agreement with a provincial authority to authorize the provincial authority to regulate, in the same manner and to the same extent as it may regulate the use of lands within its jurisdiction, the use of lands adjacent to or in the vicinity of an airport or airport site that are not the subject of regulations made pursuant to subsection 5.4(2), for the purpose of ensuring that that use is not incompatible with the safe operation of an airport or aircraft.

Saving

(2) Subsections 5.4(3) to (5) and sections 5.5 to 5.7 shall not apply in respect of lands that are the subject of an agreement made under subsection (1), during the period in which the agreement remains in effect.

Contravention

(3) Every person who contravenes a regulation or other measure established by a provincial authority pursuant to an agreement referred to in subsection (1) is guilty of an offence punishable on summary conviction.

GENERAL PROVISIONS RESPECTING REGULATIONS AND ORDERS

Exemption by regulations

5.9 (1) The Governor in Council may make regulations exempting, on such terms and conditions as may be specified in the regulations, any person, aircraft, aerodrome, facility or service from the application of any regulation or order made under this Part.

Exemption by Minister

(2) The Minister may, on such terms and conditions as the Minister deems necessary, exempt any person, aircraft, aerodrome, facility or service from the application of any regulation or order made under this Part if in the opinion of the Minister the exemption is in the public interest and is not likely to affect aviation safety.

Incorporation by reference

(3) A regulation or order made under this Part incorporating by reference a classification, standard, procedure or other specification, may incorporate the classification, standard, procedure or specification as amended from time to time and in such case the reference shall be read accordingly.

Prohibition in regulations or orders

(4) A regulation or order made under this Part prohibiting the doing of any act or thing may prohibit the doing of that act or thing either at all times and places or at such times and places and on such occasions only as may be specified in the regulation or order, as the case may be, and either absolutely or subject to such exceptions or conditions as may be so specified.

Publication of notice of proposed regulations and orders

6. (1) Subject to this section, a notice of each regulation or order that is proposed to be made under this Part, other than under section 5.4, shall be published in the *Canada Gazette* at least sixty days before the regulation or order is made and a reasonable opportunity shall be afforded to interested persons to make representations to the Minister with respect thereto.

Exclusion

(2) No notice of a proposed regulation or order is required to be published under subsection (1) if the regulation or order

(a) would, in the opinion of the person proposing to make the regulation or order, make no material substantive change in an existing regulation or order;

(b) is likely to affect only a limited number of persons or should, in the opinion of the person proposing to make the regulation or order, take effect for reasons of aviation safety or aviation security earlier than sixty days after publication of the notice in the *Canada Gazette*; or

(c) would, when made, be exempt from publication by virtue of this Act or regulations made under section 20 of the *Statutory Instruments Act*.

Single publication required

(3) No notice of a proposed regulation or order is required to be published more than once under subsection (1) whether or not the regulation or order is altered as a result of representations referred to in that subsection.

Notice of unpublished regulations

6.1 Where a regulation, within the meaning of the *Statutory Instruments Act*, respecting the operation of aircraft is alleged to have been contravened at a time before it is published as required by that Act, a certificate purporting to be signed by the Minister or the Secretary of the Department of Transport stating that a notice containing the regulation was issued before that time is, in the absence of evidence to the contrary, proof for the purposes of paragraph 11(2)(b) of that Act that reasonable steps were taken to bring the purport of the regulation to the notice of those persons likely to be affected by it.

Exemption of certain regulations from application of *Statutory Instruments Act*

6.2 (1) A regulation, within the meaning of the *Statutory Instruments Act*, that under this Part prohibits or restricts the use of any airspace or aerodrome, and an order made by the Minister under subsection 4.3(2) in respect of security measures, are exempt from the application of subsections 3(1) and 5(1) and section 11 of that Act.

Contravention under certain regulations or orders

(2) No person shall be found to have contravened a regulation or order referred to in subsection (1) unless it is proved that at the date of the alleged contravention reasonable steps had been taken to bring the purport of the regulation or order to the notice of those persons likely to be affected by it.

Notice of certain regulations or orders

(3) A certificate purporting to be signed by the Minister or the Secretary of the Department of Transport stating that a notice containing the regulation or order was issued is, in the absence of evidence to the contrary, proof that reasonable steps were taken to bring the purport of the regulation or order to the notice of those persons likely to be affected by it.

BOARDS OF INQUIRY

Establishment

6.3 (1) The Minister may establish a board of inquiry to inquire, subject to the *Canadian Transportation Accident Investigation and Safety Board Act*, into the circumstances of any accident involving an aircraft, any alleged contravention under this Part or any incident

involving an aircraft that, in the opinion of the Minister, endangered the safety of persons, and may designate the persons who are to be members of that board.

Powers of boards

(2) Every person designated by the Minister as a member of a board of inquiry has and may exercise all the powers of a person appointed as a commissioner under Part I of the *Inquiries Act* and the powers that may be conferred on a commissioner under section 11 of that Act.

Witnesses

(3) Every witness who attends and gives evidence before a board of inquiry is entitled to be paid reasonable travel and living expenses incurred by the witness in so attending and giving evidence and the witness fees prescribed in the tariff of fees in use in the superior court of the province in which the witness's evidence is given.

(4) A board of inquiry shall send a full report of the inquiry conducted by it to the Minister within such time as the Minister may require.

APPLICATION OF CANADIAN TRANSPORTATION ACCIDENT INVESTIGATION AND SAFETY BOARD ACT

6.4 The provisions of sections 28, 29 and 30 of the *Canadian Transportation Accident Investigation and Safety Board Act* relating to on-board recordings, communication records and statements, within the meaning of those respective sections, apply, with such modifications as the circumstances require, to and in respect of a board of inquiry and an inquiry conducted by such a board under section 6.3 and any investigation by the Minister concerning aviation safety.

Interim Order

Interim orders

6.41 (1) For the purpose of giving immediate effect to any recommendation of any person or organization authorized to investigate an aviation accident or incident, the Minister may make an interim order where the Minister is of the opinion that such an interim order is necessary for aviation safety or the safety of the public.

Coming into effect

(2) An interim order has effect from the day on which it is made, as if it were a regulation made under this Part, and ceases to have effect fourteen days after it is made unless it is approved by the Governor in Council within that fourteen day period.

Recommendation by Minister

(3) Where the Governor in Council approves an interim order, the Minister shall, as soon as possible after the approval, recommend to the Governor in Council that a regulation having the same effect as the interim order be made under this Part, and the interim order ceases to have effect

(a) where such a regulation is made, on the day on which the regulation comes into force; and

(b) where no such regulation is made, two years after the day on which the interim order is made.

Exemption

(4) An interim order

(a) is exempt from the application of subsections 3(1) and 5(1) and section 11 of the *Statutory Instruments Act*; and

(b) where it is approved, shall be published in the *Canada Gazette* within twenty-three days after the day on which it is approved.

Contravention

(5) No person shall be found to have contravened an interim order that, at the time of the alleged contravention, was not published in the *Canada Gazette* in accordance with subsection (4), unless it is proved that at the date of the alleged contravention reasonable steps had been taken to bring the purport of that order to the notice of those persons likely to be affected by it.

Notice of interim order

(6) For the purposes of subsection (5), a certificate purporting to be signed by the Minister or the Secretary of the Department of Transport stating that a notice containing the interim order was issued is, in the absence of evidence to the contrary, proof that reasonable steps were taken to bring the purport of that order to the notice of those persons likely to be affected by it.

MEDICAL AND OPTOMETRIC INFORMATION

Minister to be provided with information

6.5 (1) Where a physician or an optometrist believes on reasonable grounds that a patient is a flight crew member, an air traffic controller or other holder of a Canadian aviation document that imposes standards of medical or optometric fitness, the physician or optometrist shall, if in his opinion the patient has a medical or optometric condition that is likely to constitute a

hazard to aviation safety, inform a medical adviser designated by the Minister forthwith of that opinion and the reasons therefor.

Patient to advise

(2) The holder of a Canadian aviation document that imposes standards of medical or optometric fitness shall, prior to any medical or optometric examination of his person by a physician or optometrist, advise the physician or optometrist that he is the holder of such a document.

Use by Minister

(3) The Minister may make such use of any information provided pursuant to subsection (1) as the Minister considers necessary in the interests of aviation safety.

No proceedings shall lie

(4) No legal, disciplinary or other proceedings lie against a physician or optometrist for anything done by him in good faith in compliance with this section.

Information privileged

(5) Notwithstanding subsection (3), information provided pursuant to subsection (1) is privileged and no person shall be required to disclose it or give evidence relating to it in any legal, disciplinary or other proceedings and the information so provided shall not be used in any such proceedings.

Deemed consent

(6) The holder of a Canadian aviation document that imposes standards of medical or optometric fitness shall be deemed, for the purposes of this section, to have consented to the giving of information to a medical adviser designated by the Minister under subsection (1) in the circumstances referred to in that subsection.

MEASURES RELATING TO CANADIAN AVIATION DOCUMENTS

Definition of “Canadian aviation document”

6.6 In sections 6.7 to 7.2, “Canadian aviation document” includes any privilege accorded by a Canadian aviation document.

Non-application of certain provisions

6.7 Sections 6.8 to 7.2 do not apply to a member of the Canadian Armed Forces acting in that capacity or to any other person in relation to a Canadian aviation document issued in respect of a military aircraft, military aerodrome or military facility.

Minister may refuse to issue Canadian aviation document

6.71 (1) The Minister may refuse to issue a Canadian aviation document, where the Minister is of the opinion that the public interest and, in particular, the record in relation to aviation of the applicant or of any principal of the applicant warrant it.

Regulations

(2) The Governor in Council may make regulations defining the word “principal” for the purposes of subsection (1).

Suspensions, etc., generally

6.8 In addition to any ground of suspension, cancellation or refusal of renewal referred to in sections 6.9 to 7.1, the Minister may suspend, cancel or refuse to renew a Canadian aviation document in such circumstances and on such grounds as the Governor in Council may by regulation prescribe.

Suspension, etc., where contravention

6.9 (1) Where the Minister decides to suspend or cancel a Canadian aviation document on the grounds that the holder of the document or the owner or operator of any aircraft, airport or other facility in respect of which the document was issued has contravened any provision of this Part or any regulation or order made under this Part, the Minister shall by personal service or by registered or certified mail sent to the holder, owner or operator, as the case may be, at his latest known address, notify the holder, owner or operator of that decision and of the effective date of the suspension or cancellation, but no such suspension or cancellation shall take effect earlier than the date that is thirty days after the notice under this subsection is served or sent.

Contents of notice

(2) A notice under subsection (1) shall be in such form as the Governor in Council may by regulation prescribe and shall, in addition to any other information that may be so prescribed,

(a) indicate the provision of this Part or of the regulation or order made under this Part that the Minister believes has been contravened; and

(b) state the date, being thirty days after the notice is served or sent, on or before which and the address at which a request for a review of the decision of the Minister is to be filed in the event the holder of the document or the owner or operator concerned wishes to have the decision reviewed.

Request for review of Minister’s decision

(3) Where the holder of a Canadian aviation document or the owner or operator of any aircraft, airport or other facility in respect of which a Canadian aviation document is issued who is affected by a decision of the Minister referred to in subsection (1) wishes to have the

decision reviewed, he shall, on or before the date that is thirty days after the notice is served on or sent to him under that subsection or within such further time as the Tribunal, on application by the holder, owner or operator, may allow, in writing file with the Tribunal at the address set out in the notice a request for a review of the decision.

Request for review not a stay of suspension, etc.

(4) A request for a review of the decision of the Minister under subsection (3) does not operate as a stay of the suspension or cancellation of the Canadian aviation document to which the decision relates, but where a request for a review has been filed with the Tribunal a member of the Tribunal assigned for the purpose may, subject to subsection (5), on application in writing by the holder of the document or the owner or operator affected by the decision, as the case may be, on such notice to the Minister as the member deems necessary, and after considering such representations by the holder, owner or operator and the Minister as they wish to make in that behalf, direct that the suspension or cancellation of the document be stayed until the review of the decision of the Minister has been concluded.

Exception re stay direction

(5) No direction of a stay of a suspension or cancellation shall be made under subsection (4) where the member of the Tribunal considering the matter is of the opinion that the stay would result in a threat to aviation safety.

Appointment of review time

(6) On receipt of a request filed in accordance with subsection (3), the Tribunal shall appoint a time and place for the review of the decision referred to in the request and in writing notify the Minister and the person who filed the request of the time and place so appointed.

Review procedure

(7) At the time and place appointed under subsection (6) for the review of the decision, the member of the Tribunal assigned to conduct the review shall provide the Minister and the holder of the Canadian aviation document or the owner or operator affected by the decision, as the case may be, with a full opportunity consistent with procedural fairness and natural justice to present evidence and make representations in relation to the suspension or cancellation under review.

Determination of Tribunal member

(8) On a review under this section of a decision of the Minister to suspend or cancel a Canadian aviation document, the member of the Tribunal conducting the review may determine the matter by confirming the suspension or cancellation or substituting the member's decision for the decision of the Minister.

Suspension where immediate threat to aviation safety

7. (1) Where the Minister decides to suspend a Canadian aviation document on the grounds that an immediate threat to aviation safety exists or is likely to occur as a result of an act or thing having been, being or proposed to be done under the authority of the document, the Minister shall forthwith by personal service or by registered or certified mail sent to the holder of the document or to the owner or operator of any aircraft, airport or other facility in respect of which the document was issued, as the case may be, at his latest known address notify the holder, owner or operator of his decision.

Contents of notice

(2) A notice under subsection (1) shall be in such form as the Governor in Council may by regulation prescribe and shall, in addition to any other information that may be so prescribed,

(a) indicate the immediate threat to aviation safety that the Minister believes exists or is likely to occur as a result of an act or thing having been, being or proposed to be done under the authority of the Canadian aviation document concerned, and the nature of that act or thing; and

(b) state the date, being thirty days after the notice is served or sent, on or before which and the address at which a request for a review of the decision of the Minister is to be filed in the event the holder of the document or the owner or operator concerned wishes to have the decision reviewed.

Request for review of Minister's decision

(3) Where the holder of a Canadian aviation document or the owner or operator of any aircraft, airport or other facility in respect of which a Canadian aviation document is issued who is affected by a decision of the Minister referred to in subsection (1) wishes to have the decision reviewed, he shall, on or before the date that is thirty days after the notice is served on him or sent to him under that subsection, in writing file with the Tribunal at the address set out in the notice a request for a review of the decision.

Request for review not a stay of suspension

(4) A request for a review of the decision of the Minister under subsection (3) does not operate as a stay of the suspension to which the decision relates.

Appointment of review time

(5) On receipt of a request filed in accordance with subsection (3), the Tribunal shall forthwith appoint a time, as soon as practicable after the request is filed, and place for the review of the decision referred to in the request and in writing notify the Minister and the person who filed the request of the time and place so appointed.

Review procedure

(6) At the time and place appointed under subsection (5) for the review of the decision, the member of the Tribunal assigned to conduct the review shall provide the Minister and the holder of the Canadian aviation document or the owner or operator affected by the decision, as the case may be, with a full opportunity consistent with procedural fairness and natural justice to present evidence and make representations in relation to the suspension under review.

Determination of Tribunal member

(7) On a review under this section of a decision of the Minister to suspend a Canadian aviation document, the member of the Tribunal conducting the review may determine the matter by confirming the suspension or substituting the member's decision for the decision of the Minister.

Request for reconsideration of immediate threat

(8) Where

(a) no appeal from a determination confirming a suspension under subsection (7) is taken under section 7.2 within the time limited for doing so under that section, or

(b) the Tribunal has, on an appeal under section 7.2, confirmed the suspension of a Canadian aviation document under this section, the holder of the document or the owner or operator of any aircraft, airport or other facility in respect of which the document was issued may, in writing, request the Minister to reconsider whether the immediate threat to aviation safety referred to in subsection (1) that occasioned the suspension continues to exist or is likely to occur as described in that subsection.

Reconsideration

(9) On receipt of a request under subsection (8), the Minister shall forthwith reconsider the matter and give a notice of his decision to the holder, owner or operator who made the request, and the provisions of this section and section 7.2 providing for a review of a decision of the Minister and an appeal from a determination on a review apply, with such modifications as the circumstances require, to and in respect of a decision of the Minister under this subsection.

Suspension, etc. on medical, etc., grounds

7.1 (1) Where the Minister decides

(a) to suspend, cancel or refuse to renew a Canadian aviation document on medical grounds,

(b) to suspend or cancel a Canadian aviation document on the grounds that the holder of the document is incompetent or the holder or any aircraft, airport or other facility in respect of which the document was issued ceases to have the qualifications necessary for the issuance

of the document or to meet or comply with the conditions subject to which the document was issued, or

(c) to suspend or cancel a Canadian aviation document because the Minister is of the opinion that the public interest and, in particular, the record in relation to aviation of the holder of the Canadian aviation document or of any principal of the holder, as defined in regulations made under subsection 6.71(2), warrant it, the Minister shall, by personal service or by registered or certified mail sent to the holder or to the owner or operator of the aircraft, airport or facility, as the case may be, at the latest known address of the holder, owner or operator, notify the holder, owner or operator of the Minister's decision.

Contents of notice

(2) A notice under subsection (1) shall be in such form as the Governor in Council may by regulation prescribe and shall, in addition to any other information that may be so prescribed,

(a) indicate, as the case requires,

(i) the medical grounds on which the decision of the Minister is based,

(ii) the nature of the incompetence of the holder of the Canadian aviation document that the Minister believes exists, the qualifications necessary for the issuance of the document that the Minister believes the holder of the document or the aircraft, airport or facility in respect of which the document was issued ceases to have or the conditions subject to which the document was issued that the Minister believes are no longer being met or complied with, or

(iii) the elements of the public interest on which the decision of the Minister is based; and

(b) state the date, being thirty days after the notice is served or sent, on or before which and the address at which a request for a review of the decision of the Minister is to be filed in the event the holder of the document or the owner or operator concerned wishes to have the decision reviewed.

Request for review of Minister's decision

(3) Where the holder of a Canadian aviation document or the owner or operator of any aircraft, airport or other facility in respect of which a Canadian aviation document is issued who is affected by a decision of the Minister referred to in subsection (1) wishes to have the decision reviewed, he shall, on or before the date that is thirty days after the notice is served on or sent to him under that subsection or within such further time as the Tribunal, on application by the holder, owner or operator, may allow, in writing file with the Tribunal at the address set out in the notice a request for a review of the decision.

Request for review not a stay of suspension, etc.

(4) A request for a review of the decision of the Minister under subsection (3) does not operate as a stay of the suspension, cancellation or refusal to renew to which the decision relates.

Appointment of review time

(5) On receipt of a request filed in accordance with subsection (3), the Tribunal shall forthwith appoint a time, as soon as practicable after the request is filed, and place for the review of the decision referred to in the request and in writing notify the Minister and the person who filed the request of the time and place so appointed.

Review procedure

(6) At the time and place appointed under subsection (5) for the review of the decision, the member of the Tribunal assigned to conduct the review shall provide the Minister and the holder of the Canadian aviation document or the owner or operator affected by the decision, as the case may be, with a full opportunity consistent with procedural fairness and natural justice to present evidence and make representations in relation to the suspension, cancellation or refusal to renew under review.

Burden of proof on medical grounds review

(7) On a review under this section of a decision of the Minister to refuse to renew a Canadian aviation document on medical grounds, the burden of establishing that the Minister's decision in the matter is unjustified is on the person requesting the review.

Determination of Tribunal member

(8) On a review under this section of a decision of the Minister to suspend, cancel or refuse to renew a Canadian aviation document, the member of the Tribunal conducting the review may determine the matter by confirming the suspension, cancellation or refusal to renew or by referring the matter back to the Minister for reconsideration.

Effect of reference back for reconsideration

(9) Where a matter of the suspension or cancellation of or refusal to renew a Canadian aviation document is referred back to the Minister for reconsideration under subsection (8),

(a) the suspension or cancellation shall cease to be of any force or effect until the Minister decides otherwise as a consequence of the reconsideration; or

(b) the Minister shall, as soon as practicable after the referral of the matter back to the Minister if the document concerned has expired, renew the document that he had refused to renew unless the Minister decides not to renew the document as a consequence of the reconsideration.

Right of appeal

7.2 (1) The Minister or any person affected by the determination of a member of the Tribunal under subsection 6.9(8) or 7(7) or any person, other than the Minister, affected by the determination of a member of the Tribunal under subsection 7.1(8) may, within ten days after the determination, appeal the determination to the Tribunal.

Appeal panel exclusion

(2) The member of the Tribunal from whose determination an appeal is taken shall not be a member of the panel of members appointed to hear the appeal.

Nature of appeal

(3) An appeal to the Tribunal shall be on the merits based on the record of the proceedings of the member of the Tribunal from whose determination the appeal is taken but the Tribunal shall allow oral argument and, if it deems it necessary for the purposes of the appeal, shall hear evidence not previously available.

Burden of proof on medical grounds appeal

(4) On an appeal from the determination of a member of the Tribunal under subsection 7.1(8) in respect of a refusal to renew a Canadian aviation document on medical grounds, the burden of establishing that the Minister's decision in the matter is unjustified is on the appellant.

Disposition of appeal

(5) The Tribunal may dispose of an appeal from the determination of a member of the Tribunal under

- (a) subsection 6.9(8) or 7(7), by dismissing it or allowing it and in allowing the appeal the Tribunal may substitute its decision for the determination appealed against; or
- (b) subsection 7.1(8), by dismissing it or referring the matter back to the Minister for reconsideration.

PROHIBITIONS, OFFENCES AND PUNISHMENT

Prohibitions

7.3 (1) No person shall

- (a) knowingly make any false representation for the purpose of obtaining a Canadian aviation document or any privilege accorded thereby;
- (b) wilfully destroy any document required under this Part to be kept;

- (c) make or cause to be made any false entry in a record required under this Part to be kept with intent to mislead or willfully omit to make any entry in any such record;
- (d) wilfully obstruct any person who is performing duties under this Part;
- (e) except as authorized under this Part, wilfully operate or otherwise deal with an aircraft that has been detained under this Part;
- (f) wilfully do any act or thing in respect of which a Canadian aviation document is required except under and in accordance with the required document; or
- (g) wilfully do any act or thing in respect of which a Canadian aviation document is required where
 - (i) the document that has been issued in respect of that act or thing is suspended, or
 - (ii) an order referred to in subsection 7.5(1) prohibits the person from doing that act or thing.

Contravention of subsection (1)

(2) Every person who contravenes subsection (1) is guilty of

- (a) an indictable offence; or
- (b) an offence punishable on summary conviction.

Contravention of Part, regulation or order

(3) Except as otherwise provided by this Part, every person who contravenes a provision of this Part or any regulation or order made under this Part is guilty of an offence punishable on summary conviction.

Punishment, individuals

(4) An individual who is convicted of an offence under this Part punishable on summary conviction is liable to a fine not exceeding five thousand dollars and, in the case of an offence referred to in subsection (1), to imprisonment for a term not exceeding one year or to both fine and imprisonment.

Punishment, corporations

(5) A corporation that is convicted of an offence under this Part punishable on summary conviction is liable to a fine not exceeding twenty-five thousand dollars.

Punishment -ANS Corporation

(5.1) Notwithstanding subsection (5), where the ANS Corporation is convicted of contravening and order made under subsection 4.91(1), the ANS Corporation is liable to a fine not exceeding \$25,000 for each day or part of a day the offence continues.

Punishment, subsequent offences

(6) Where a person is convicted of a second or subsequent offence under this Part, the fine shall not be less than two hundred and fifty dollars.

Imprisonment precluded in certain cases

(7) Where a person is convicted of an offence under this Part punishable on summary conviction, no imprisonment may be imposed as punishment for the offence or in default of payment of any fine imposed as punishment unless the offence is an offence referred to in subsection (1).

Idem

(7.1) Where a person is proceeded against under section 8.4 and is convicted of an offence under this Part, no imprisonment may be imposed as punishment for the offence or in default of payment of any fine imposed as punishment in relation to the offence.

Recovery of fines

(8) Where a person is convicted of an offence under this Part and the fine that is imposed is not paid when required, on production in the superior court of any province, the conviction shall be registered in the court and when registered has the same force and effect, and all proceedings may be taken thereon, as if the conviction were a judgment in that court obtained by Her Majesty in right of Canada against the convicted person for a debt of the amount of the fine.

Recovery of costs and charges

(9) All reasonable costs and charges attendant on the registration of the conviction are recoverable in like manner as if they had been registered as part of the conviction.

Continuing offence

7.31 Where an offence under this Part is committed or continued on more than one flight or segment of a flight, it shall be deemed to be a separate offence for each flight or segment of a flight on which the offence is committed or continued.

Court may order forfeiture

7.4 (1) Where a person is convicted on indictment of an offence referred to in paragraph 7.3(1)(f) or (g) in relation to the operation of a commercial air service, the court may, in addition to any other punishment it may impose, order that any aircraft used in the commercial air service be forfeited and, on the making of such an order, the aircraft is forfeited to Her Majesty in right of Canada.

Application by person claiming interest

(2) Where any aircraft is forfeited under subsection (1), any person, in this section referred to as the “applicant”, other than a person convicted of the offence that resulted in the forfeiture, who claims an interest in the aircraft may, within 30 days after the forfeiture, apply by notice in writing to a judge of the superior court of the province where the aircraft is situated for an order under subsection (5).

Date of hearing

(3) A judge to whom an application is made under subsection (2) shall fix a day not less than thirty days after the date of filing of the application for the hearing thereof.

Notice

(4) An applicant shall serve a notice of the application and of the day fixed for the hearing of the application on the Minister at least fifteen days before the day so fixed.

Order by judge

(5) Where, on the hearing of an application, the judge is satisfied that the applicant

(a) is innocent of any complicity in the offence that resulted in the forfeiture and of any collusion in relation to the offence with the person convicted thereof, and

(b) exercised reasonable care to satisfy himself that the aircraft concerned was not likely to be used in contravention of this Part or any regulation or order made under this Part, the applicant is entitled to an order by the judge declaring that the applicant’s interest is not affected by the forfeiture and declaring the nature and extent of that interest.

Appeal

(6) An appeal from an order or refusal to make an order under subsection (5) lies to the court to which an appeal may be taken from an order of the superior court in the province in which the forfeiture occurred and the appeal shall be asserted, heard and decided according to the ordinary procedure governing appeals to the court from orders or judgments of a judge of the superior court.

Application to Minister

(7) The Minister shall, on application made to the Minister by any person who has obtained an order under subsection (5),

(a) direct that the aircraft to which the interest of the applicant relates be returned to the applicant; or

(b) direct that an amount equal to the value of the interest of the applicant, as declared in the order, be paid to the applicant.

Disposal of forfeited aircraft

(8) Where no application is made under this section for an order in relation to an interest in a forfeited aircraft or an application is made and the judge or, on appeal, the court refuses to make an order referred to in subsection (5), the aircraft shall be disposed of in such manner as the Minister may direct.

Prohibition by court

7.5 (1) Where a person is convicted of an offence under this Part, the court may, in addition to any other punishment it may impose, make an order

(a) where the person is the holder of a Canadian aviation document or is the owner or operator of any aircraft, airport or other facility in respect of which a Canadian aviation document was issued, prohibiting the person from doing any act or thing authorized by the document at all times while the document is in force or for such period or at such times and places as may be specified in the order; or

(b) prohibiting the person from operating an aircraft or providing services essential to the operation of an aircraft for such period or at such times and places as may be specified in the order.

PROCEDURE PERTAINING TO CERTAIN CONTRAVENTIONS

Designation of provisions

7.6 (1) The Governor in Council may, by regulation,

(a) designate any regulation or order made under this Part, in this section and in sections 7.7 to 8.2 referred to as a “designated provision”, as a regulation or order the contravention of which may be dealt with under and in accordance with the procedure set out in sections 7.7 to 8.2; and

(b) prescribe, in respect of a designated provision, the maximum amount payable in respect of a contravention of that provision, which amount shall not exceed

(i) five thousand dollars, in the case of an individual, and

(ii) twenty-five thousand dollars, in the case of a corporation.

Non-application of summary conviction procedure

(2) A person who contravenes a designated provision is guilty of an offence and liable to the punishment imposed in accordance with sections 7.7 to 8.2 and no proceedings against the person shall be taken by way of summary conviction.

Notice of allegations of contravention

7.7 (1) Where the Minister believes on reasonable grounds that a person has contravened a designated provision, the Minister shall notify the person of the allegations against the person in such form as the Governor in Council may by regulation prescribe, specifying in the notice, in addition to any other information that may be so prescribed,

(a) subject to any regulations made under paragraph 7.6(1)(b), the amount that is determined by the Minister, in accordance with such guidelines as the Minister may make for the purpose, to be the amount that must be paid to the Minister by the person as the penalty for the contravention in the event that the person does not wish to appear before a member of the Tribunal to make representations in respect of the allegations; and

(b) the time, being not less than thirty days after the date the notice is served or sent, at or before which and the place at which the amount is required to be paid in the event referred to in paragraph (a).

Service of notice

(2) A notice under subsection (1) shall be served personally or by ordinary mail sent to the latest known address of the person to whom the notice relates.

Payment of specified amount precludes further proceedings

7.8 (1) Where a person served with a notice under subsection 7.7(1) pays the amount specified in the notice in accordance with the requirements set out therein, the Minister shall accept the amount as and in complete satisfaction of the amount of penalty for the contravention by that person of the designated provision and no further proceedings under this Part shall be taken against the person in respect of that contravention.

Failure to pay specified amount

(2) Where a person served with a notice under subsection 7.7(1) fails to pay the amount specified in the notice in accordance with the requirements set out therein, the Minister shall, within fifteen days after the time referred to in paragraph 7.7(1)(b), forward a copy of the notice to the Tribunal.

Request to appear to be issued by Tribunal

7.9 (1) On receipt of the copy of the notice forwarded by the Minister under subsection 7.8(2), the Tribunal shall

(a) in writing, served personally or by registered or certified mail, request the person to whom the notice was sent to appear before a member of the Tribunal at the time and place set out in the request to hear the allegations referred to in subsection 7.7(1); and

(b) in writing, advise the Minister of the time and place set out in the request referred to in paragraph (a).

Failure to appear before member of the Tribunal

(2) Where a person served with a request under subsection (1) fails to appear before the member of the Tribunal at the time and place set out in the request, the member of the Tribunal shall consider all the information that is presented to him by the Minister in relation to the contravention referred to in the request.

Determination of member of Tribunal

(3) Where, at the conclusion of the proceedings in respect of allegations against a person referred to in subsection (2), the member of the Tribunal determines that

(a) the person has not contravened the designated provision that the person is alleged to have contravened, the member of the Tribunal shall forthwith inform the person and the Minister of the determination and, subject to section 8.1, no further proceeding under this Part shall be taken against the person in respect of the alleged contravention; or

(b) the person has contravened the designated provision that the person is alleged to have contravened, the member of the Tribunal shall forthwith

(i) issue to the Minister a certificate in such form as the Governor in Council may by regulation prescribe, setting out the determination of the member and setting out therein the amount that was specified in the notice that was sent to the person under subsection 7.7(1) in respect of the contravention, and

(ii) by registered or certified mail, send to the person at the person's latest known address a copy of the certificate issued under subparagraph (i).

Appearance before Tribunal

(4) Where a person served with a request under subsection (1) appears before the member of the Tribunal at the time and place set out in the request, the member of the Tribunal shall provide the Minister and the person with a full opportunity consistent with procedural fairness and natural justice to present evidence before the member of the Tribunal and make representations in relation to the alleged contravention.

Proceeding generally

(5) On a proceeding before a member of the Tribunal under subsection (4),

(a) the burden of proving that the person appearing before the member has contravened the designated provision that the person is alleged to have contravened is on the Minister; and

(b) the person is not required and shall not be compelled to give any evidence or testimony in the matter.

Determination of member of the Tribunal

8. Where, at the conclusion of the proceedings in respect of allegations against a person referred to in subsection 7.9(4), the member of the Tribunal determines that

(a) the person has not contravened the designated provision that the person is alleged to have contravened, the member of the Tribunal shall forthwith inform the person and the Minister of the determination and, subject to section 8.1, no further proceedings under this Part shall be taken against the person in respect of the alleged contravention; or

(b) the person has contravened the designated provision that the person is alleged to have contravened, the member of the Tribunal shall forthwith inform the person and the Minister of the determination and, subject to any regulations made under paragraph 7.6(1)(b), of the amount determined by the member of the Tribunal to be payable by the person in respect of the contravention and, where the amount is not paid to the Tribunal by or on behalf of the person within such time as the member of the Tribunal may allow, the member of the Tribunal shall issue to the Minister a certificate in such form as the Governor in Council may by regulation prescribe, setting out the amount required to be paid by the person.

Right of appeal

8.1 (1) The Minister or any person affected by the determination of a member of the Tribunal under subsection 7.9(3) or section 8 may, within ten days after the determination, appeal the determination to the Tribunal.

Appeal panel exclusion

(2) The member of the Tribunal from whose determination an appeal is taken shall not be a member of the panel of members of the Tribunal appointed to hear the appeal.

Nature of appeal

(3) An appeal to the Tribunal shall be on the merits based on the record of the proceedings of the member of the Tribunal from whose determination the appeal is taken but the Tribunal shall allow oral argument and, if it deems it necessary for the purposes of the appeal, shall hear evidence not previously available.

Disposition of appeal

(4) The Tribunal may dispose of the appeal by dismissing it or allowing it and in allowing the appeal, the Tribunal may substitute its decision for the determination appealed against.

Determination on appeal

(5) Where the Tribunal finds on an appeal that a person has contravened the designated provision that the person is alleged to have contravened, the Tribunal shall forthwith inform the person of the finding and, subject to any regulations made under paragraph 7.6(1)(b), of the amount determined by the Tribunal to be payable by the person in respect of the

contravention and, where the amount is not paid to the Tribunal by or on behalf of the person within such time as the Tribunal may allow, the Tribunal shall issue to the Minister a certificate in such form as the Governor in Council may by regulation prescribe, setting out the amount required to be paid by the person.

Registration of certificate of amount

8.2 (1) Where the time limit for an appeal under subsection 8.1(1) has expired or an appeal taken under section 8.1 has been dismissed, on production in the superior court of any province, a certificate issued under subsection 7.9(3), section 8 or subsection 8.1(5) shall be registered in the court and when registered has the same force and effect, and all proceedings may be taken thereon, as if the certificate were a judgment in that court obtained by Her Majesty in right of Canada against the person named in the certificate for a debt of the amount set out in the certificate.

Recovery of costs and charges

(2) All reasonable costs and charges attendant on the registration of the certificate are recoverable in like manner as if they had been certified and the certificate had been registered under subsection (1).

Amounts received deemed public moneys

(3) An amount received by the Minister or the Tribunal under this section shall be deemed to be public money within the meaning of the *Financial Administration Act*.

Records

8.3 (1) Any notation of a suspension by the Minister of a Canadian aviation document under this Act or of a penalty imposed in accordance with sections 7.6 to 8.2 shall, on application by the person affected by the suspension or penalty, be removed from the record respecting that person kept by the Minister after the expiration of two years from the date the suspension expires or the penalty amount has been paid unless

- (a) in the opinion of the Minister, the removal from the record would not be in the interest of aviation safety; or
- (b) a suspension or penalty under this Act has been recorded by the Minister in respect of that person after that date.

Notice of decision

(2) The Minister shall, as soon as practicable after the receipt of an application under subsection (1), by personal service or by registered or certified mail, notify the applicant of the decision of the Minister in relation thereto.

Application of certain provisions

(3) Subsections 7.1(3) to (9) and section 7.2 apply, with such modifications as the circumstances require, in respect of a decision of the Minister referred to in subsection (2) of this section.

Repeat of applications limited

(4) No application under subsection (1) shall be considered by the Minister within two years from the date of a previous application under that subsection in respect of the same applicant.

ENFORCEMENT

Owner of aircraft may be found liable

8.4 (1) The registered owner of an aircraft may be proceeded against in respect of and found to have committed an offence under this Part in relation to the aircraft for which another person is subject to be proceeded against unless, at the time of the offence, the aircraft was in the possession of a person other than the owner without the owner's consent and, where found to have committed the offence, the owner is liable to the penalty provided as punishment therefor.

Operator of aircraft may be found liable

(2) The operator of an aircraft may be proceeded against in respect of and found to have committed an offence under this Part in relation to the aircraft for which another person is subject to be proceeded against unless, at the time of the offence, the aircraft was in the possession of a person other than the operator without the operator's consent and, where found to have committed the offence, the operator is liable to the penalty provided as punishment therefor.

Pilot-in-command may be found liable

(3) The pilot-in-command of an aircraft may be proceeded against in respect of and found to have committed an offence under this Part in relation to the aircraft for which another person is subject to be proceeded against unless the offence was committed without the consent of the pilot-in-command and, where found to have committed the offence, the pilot-in-command is liable to the penalty provided as punishment therefor.

Operator of aerodrome, etc., may be found liable

(4) The operator of an aerodrome or other aviation facility may be proceeded against in respect of and found to have committed an offence under this Part in relation to the aerodrome or facility for which another person is subject to be proceeded against unless the offence was committed without the consent of the operator of the aerodrome or facility and, where found to

have committed the offence, the operator of the aerodrome or facility is liable to the penalty provided as punishment therefor.

Defence

8.5 No person shall be found to have contravened a provision of this Part or of any regulation or order made under this Part if the person exercised all due diligence to prevent the contravention.

Admissibility of evidence

8.6 Evidence relating to the presence or concentration of alcohol in the blood of a person obtained pursuant to any provision of the *Criminal Code* is admissible in evidence in proceedings taken against a person under this Part, and the provisions of section 258 of the *Criminal Code*, except paragraph 258(1)(a) thereof, apply, with such modifications as the circumstances require, to any such proceedings.

Powers to enter, seize and detain

8.7 (1) Subject to subsection (4), the Minister may

(a) enter any aircraft, aerodrome, facility relating to aeronautics or any premises used for the design, manufacture, distribution, maintenance or installation of aeronautical products for the purposes of making inspections relating to the enforcement of this Part;

(b) enter any place for the purposes of an investigation of matters concerning aviation safety;

(c) seize anything found in any place referred to in paragraph (a) or (b) that the Minister believes on reasonable grounds will afford evidence with respect to an offence under this Part or the causes or contributing factors pertaining to an investigation referred to in paragraph (b); and

(d) detain any aircraft that the Minister believes on reasonable grounds is unsafe or is likely to be operated in an unsafe manner and take reasonable steps to ensure its continued detention.

Search warrants

(2) Sections 487 to 492 of the *Criminal Code* apply in respect of any offence committed or suspected to have been committed under this Part.

Regulations respecting things seized or detained

(3) The Governor in Council may make regulations respecting

(a) the protection and preservation of any evidence that has been seized without a warrant under paragraph (1)(c) or aircraft that has been detained under paragraph (1)(d); and

(b) the return of the evidence or aircraft to the owner thereof or the person from whom the evidence was seized or who had custody of the aircraft when it was detained.

Warrant required to enter dwelling-house

(4) Where any place referred to in subsection 5.7(6) or subsection (1) of this section is a dwelling-house, the Minister may not enter that dwelling-house without the consent of the occupant except under the authority of a warrant issued under subsection (5).

Authority to issue warrant

(5) Where on ex parte application a justice of the peace is satisfied by information on oath

(a) that entry to a dwelling-house is necessary for the purpose of performing any function of the Minister pursuant to this Act, and

(b) that entry to the dwelling-house has been refused or that there are reasonable grounds for believing that entry thereto will be refused, the justice of the peace may issue a warrant under his hand authorizing the Minister to enter that dwelling-house subject to such conditions as may be specified in the warrant.

Use of force

(6) In executing a warrant under subsection (5), the Minister shall not use force unless he is accompanied by a peace officer and the use of force has been specifically authorized in the warrant.

GENERAL

Regulations establishing compensation payable for death or injury

9. (1) The Governor in Council may make regulations establishing the compensation to be paid and the persons to whom and the manner in which such compensation shall be payable for the death or injury of any person employed in the public service of Canada or employed under the direction of any department of the public service of Canada that results directly from a flight undertaken by that person in the course of duty in the public service of Canada.

Idem

(2) Regulations made under subsection (1) shall not extend to the payment of compensation for any death or injury in respect of which provision for the payment of other compensation or a gratuity or pension is made by any other Act, unless the claimant elects to accept the compensation instead of the other compensation, gratuity or pension under that other Act.

PART II
REPEALED



PART III

STAFF

Employment of officers, clerks and employees

25. Such officers, clerks and employees as may be necessary for the proper administration of this Act may be employed in the manner authorized by law.

Prosecution

Limitation period

26. No proceedings under sections 7.6 to 8.2 or by way of summary conviction under this Act may be instituted after twelve months from the time when the subject-matter of the proceedings arose.

Proof of documents

27. (1) In any action or proceeding under this Act, any document purporting to be certified by the Minister, the Secretary of the Department of Transport or the Secretary of the Canadian Transportation Agency to be a true copy of a document made, given or issued under this Act is, without proof of the signature or of the official character of the person appearing to have signed the document, evidence

- (a) of the original document of which it purports to be a copy;
- (b) that the original document was made, given or issued by or by the authority of or deposited with the person named therein and was made, given, issued or deposited at the time stated in the certified copy, if a time is stated therein; and
- (c) that the original document was signed, certified, attested or executed by the persons and in the manner shown in the certified copy.

Certificate

(2) In any action or proceeding under this Act, any certificate purporting to be signed by the Minister, the Secretary of the Department of Transport or the Secretary of the Canadian Transportation Agency stating that a document, authorization or exemption under this Act

- (a) has or has not been issued to or in respect of any person named in the certificate or in respect of any aircraft, aerodrome or other aviation facility identified in the certificate, or
- (b) having been issued to or in respect of any person named in the certificate or in respect of any aircraft, aerodrome or other aviation facility identified in the certificate, has expired, or has been cancelled or suspended as of a date stated in the certificate, and stating, in the case of a suspension, the period of the suspension, is evidence of the facts stated therein, without

proof of the signature or of the official character of the person appearing to have signed the certificate and without further proof thereof.

Document entries as proof

28. In any action or proceeding under this Act, an entry in any record required under this Act to be kept is, in the absence of evidence to the contrary, proof of the matters stated therein as against the person who made the entry or was required to keep the record or, where the record was kept in respect of an aeronautical product, aerodrome or other aviation facility, against the owner or operator of the product, aerodrome or facility.

PART IV

CIVIL AVIATION TRIBUNAL

Tribunal established

29. (1) There is hereby established a tribunal to be known as the Civil Aviation Tribunal consisting of a Chairman, a Vice-Chairman and such other members as are from time to time appointed by the Governor in Council.

Qualifications of members

(2) The Governor in Council shall appoint as members of the Tribunal persons who have knowledge and experience in aeronautics.

Full or part-time members

(3) The Chairman and the Vice-Chairman are each full-time members of the Tribunal and the other members may be appointed as full-time or part-time members.

Term of office

(4) A member of the Tribunal shall be appointed to hold office during good behavior for a term not exceeding seven years and may be removed for cause by the Governor in Council.

Re-appointment

(5) A member of the Tribunal is eligible to be re-appointed on the expiration of a first or subsequent term of office.

Duties of Chairman

30. (1) The Chairman is the chief executive officer of the Tribunal and has supervision over and direction of the work and staff of the Tribunal including

- (a) the apportionment of work among the members thereof and the assignment of members to hear matters brought before the Tribunal and, where the Tribunal sits in panels, the assignment of members to panels and to preside over panels; and
- (b) generally, the conduct of the work of the Tribunal and the management of its internal affairs.

Absence or incapacity

(2) In the event of the absence or incapacity of the Chairman of the Tribunal or if the office of Chairman is vacant, the Vice-Chairman has and may exercise and perform all the powers, duties and functions of the Chairman.

Remuneration

31. (1) Each full-time member of the Tribunal shall be paid such salary as is fixed by the Governor in Council and each part-time member is entitled to be paid such fees or other remuneration for that member's services as may be fixed by the Governor in Council.

Expenses

(2) Each member of the Tribunal is entitled to be paid reasonable travel and living expenses incurred by the member in the course of the member's duties under this Act while absent from his ordinary place of residence.

Inconsistent interests of full-time members

32. (1) A full-time member of the Tribunal shall not accept or hold any office, membership, employment or interest or engage in any business that the Governor in Council may declare to be inconsistent with the proper performance of the duties and functions of a full-time member of the Tribunal.

Disclosure and disposition of interest

(2) Where any interest prohibited under subsection (1) vests in a full-time member of the Tribunal by gift, will, succession, settlement or otherwise, the member shall forthwith disclose the interest to the Governor in Council and, within three months after the disclosure, dispose of the interest to the satisfaction of the Governor in Council unless he ceases to be a full-time member within that time.

Inconsistent interests of part-time members

(3) Where a part-time member of the Tribunal who is assigned to hear or is hearing any matter before the Tribunal, either alone or as a member of a panel, holds any pecuniary or other interest that could be inconsistent with the proper performance of his duties and functions in relation to the matter, the member shall forthwith disclose that interest to the Chairman of the Tribunal and is ineligible to hear, or to continue to hear, the matter.

Guidelines concerning inconsistent interests

(4) For the purposes of subsection (3), the Governor in Council may issue guidelines to part-time members of the Tribunal concerning the nature of the interests that could be inconsistent with the proper performance of their duties and functions in relation to matters before the Tribunal.

Principal office

33. (1) The principal office of the Tribunal shall be in the National Capital Region described in the schedule to the *National Capital Act*.

Sittings

(2) The Tribunal or any member thereof shall sit at such times and at such places in Canada as the Chairman of the Tribunal considers necessary for the proper performance of its functions.

Rules of Tribunal

(3) The Tribunal may, with the approval of the Governor in Council, make rules not inconsistent with this Act governing the carrying out of the affairs of the Tribunal and the practice and procedure in connection with matters dealt with by it.

Employees

34. (1) Such employees as are necessary for the proper conduct of the work of the Tribunal shall be appointed in accordance with the *Public Service Employment Act*.

Status of employees

(2) Employees appointed under subsection (1) shall be deemed to be employed in the Public Service for the purposes of the *Public Service Superannuation Act*.

Experts to assist

(3) The Tribunal may appoint and, subject to the approval of the Treasury Board, fix the remuneration of experts or persons having technical or special knowledge to assist the Tribunal in any matter in an advisory capacity.

Annual report

35. The Tribunal shall, not later than June 30 in each fiscal year, submit to Parliament, through such member of the Queen's Privy Council for Canada as is designated by the Governor in Council as the Minister for the purposes of this section, a report of its activities during the preceding fiscal year and that Minister shall cause each such report to be laid before each House of Parliament on any of the first fifteen days on which that House is sitting after he receives it.

Appeal matters to be heard by panel

36. (1) Subject to subsection (2), every appeal to the Tribunal under this Act from a determination of a member of the Tribunal shall be heard, determined and disposed of by a panel of three members.

Size of panel

(2) The Chairman of the Tribunal may, if the Chairman considers it appropriate, direct that an appeal to the Tribunal be heard by a panel of more than three members or, with the consent of the parties, by one member alone.

Decision of panel

(3) A decision of a majority of the members of a panel is a decision of the panel.

How matters to be dealt with

37. (1) Subject to subsection (5), the Tribunal or a member thereof is not bound by any legal or technical rules of evidence in conducting any matter that comes before it or the member and all such matters shall be dealt with by the Tribunal or member as informally and expeditiously as the circumstances and considerations of fairness and natural justice permit.

Appearance may be by agent

(2) Any person appearing before the Tribunal or any member thereof may appear in person or by agent.

Hearing in public

(3) Matters before the Tribunal or a member thereof shall be heard in public unless the Tribunal or member is satisfied that a public hearing would not be in the public interest, in which case the hearing or any part thereof may be held in private.

Powers of Tribunal

(4) For the purposes of this Act, the Tribunal and each member thereof has and may exercise the powers of a person appointed as a commissioner under Part I of the *Inquiries Act*.

Restriction

(5) The Tribunal or a member thereof may not receive or accept as evidence anything that would be inadmissible in a court by reason of any privilege under the law of evidence.

Reasons for decision

(6) The Tribunal or a member thereof shall, on request by a party to a proceeding before the Tribunal or member, furnish the party with the reasons in writing for the determination or decision of the Tribunal or member.

No costs

(7) No costs may be awarded by the Tribunal or a member thereof on the disposition of any matter under this Act.

Proceedings to be recorded

(8) Proceedings before the Tribunal or any member thereof shall be recorded and the record shall show all evidence taken and all determinations and findings made in respect of the proceedings.

Decision on appeal final

(9) A decision of the Tribunal on an appeal under this Act is final and binding on the parties to the appeal.

RELATED PROVISION

Continuation of certain regulations

7. Regulations respecting the suspension and revocation of licences or certificates made under subsection 8(1) of the *Aeronautics Act*, as it read immediately before the coming into force of this section, shall remain in force until they are revoked or until the day fixed by the proclamation referred to in subsection 8(1) of this Act, whichever first occurs.

COMING INTO FORCE

Proclamation of certain provisions

Idem

(2) Paragraph (b) of the definition “aircraft” in section 3 of the *Aeronautics Act*, shall come into force on a day to be fixed by proclamation.

Idem

(3) Section 6 of the *Aeronautics Act*, shall come into force on a day to be fixed by proclamation.

LIST OF AMENDMENTS

ESTABLISHED BY THE REVISED STATUTES OF CANADA, 1985

Section	PART I	In force
3	c.33(1st Supp.)s.1	28/06/85
	S.C.1992,c.4,s.1	19/03/92
	S.C.1996,c.20,s.99	20/06/96
	S.C.1996,c.31,s.56	31/01/97
	S.C.1999,c.3,s.13	11/03/99
	S.C.1999,c.31,s.4	17/06/99
3(1)(e), amended (english only)	S.C. 1999,c.3,s.13	27/03/02
4	c.33(1st Supp.)s.1	28/06/85
	S.C.1992,c.4,s.2	19/03/92
4.1, added	c.33(1st Supp.)s.1	28/06/85
	S.C.1992,c.4,s.3	19/03/92
4.2-4.3,added	c.33(1st Supp.)s.1	28/06/85
4.4,added	c.33(1st Supp.)s.1	28/06/85
	S.C.1991,c.24,s.51(Sch.III,Item 1)	01/11/92
4.41, added	S.C.1996,c.20,s.100	20/06/96
4.4(5), amended	S.C. 2001,c.4,s.53	10/05/01
4.5-4.6,added	c.33(1st Supp.)s.1	28/06/85
4.7,added	c.33(1st Supp.)s.1	28/06/85
	S.C.1992,c.4,s.5	19/03/92
	S.C.1999,c.31,s.5-6	17/06/99
4.8,added	c.33(1st Supp.)s.1	28/06/85
	S.C.1992,c.4,s.6	19/03/92
4.83, added	S.C. 2001,c.38,s.1	18/12/01
4.9,added	c.33(1st Supp.)s.1	28/06/85
	S.C.1992,c.4,s.7	19/03/92
4.91,added	S.C.1996,c.20,s.101	20/06/96
5	c.33(1st Supp.)s.1	28/06/85
	c.28(3rd Supp.)s.359(Sch.,Item 1)	01/01/88
	S.C.1992,c.4,s.8	19/03/92

<i>Section</i>		<i>In force</i>
	S.C.1996,c.10,s.204	01/07/96
	S.C.1996,c.20,s.102	20/06/96
5.1,added	c.33(1st Supp.)s.1	28/06/85
5.2,added	c.33(1st Supp.)s.1	28/06/85
	S.C.1989,c.17,s.8	04/10/89
5.3,added	c.33(1st Supp.)s.1	28/06/85
5.4,added	c.33(1st Supp.)s.1	28/06/85
	S.C.1992,c.4,s.10	19/03/92
5.5-5.6,added	c.33(1st Supp.)s.1	28/06/85
5.7,added	c.33(1st Supp.)s.1	28/06/85
	S.C.1992,c.1,s.5	28/02/92
5.7(1), amended (french only)	R.S., ch.33 (1 st Supp.), s.1	10/05/01
5.8,added	c.33(1st Supp.)s.1	28/06/85
5.81,added	S.C.1992,c.4,s.11	19/03/92
5.9,added	c.33(1st Supp.)s.1	28/06/85
6	c.33(1st Supp.)s.1	NIF
	S.C.1992,c.4,s.25	NIF
6.1,added	c.33(1st Supp.)s.1	28/06/85
6.2,added	c.33(1st Supp.)s.1	28/06/85
	S.C.1992,c.4,s.12	19/03/02
6.3(1),added	c.33(1st Supp.)s.1	28/06/85
	S.C.1989,c.3,s.39(1)	29/03/90
6.3(2)-6.3(4),added	c.33(1st Supp.)s.1	28/06/85
6.3(5),added	c.33(1st Supp.)s.1	28/06/85
repealed	S.C.1989,c.3,s.39(2)	29/03/90
6.4,added	c.33(1st Supp.)s.1	28/06/85
	S.C.1989,c.3,s.40	29/03/90
6.41,added	S.C.1992,c.4,s.13	19/03/92
6.5,added	c.33(1st Supp.)s.1	28/06/85
6.6-6.7,added	c.33(1st Supp.)s.1	01/06/86
6.71,added	S.C.1992,c.4,s.14	19/03/92
6.8,added	c.33(1st Supp.)s.1	01/06/86
6.9,added	c.33(1st Supp.)s.1	01/06/86

Section		<i>In force</i>
	S.C.1992,c.1,s.5	28/02/92
7	c.33(1st Supp.)s.1	01/06/86
	S.C.1992,c.1,s.5	28/02/92
	S.C.1992,c.1,s.5	28/02/92
	S.C.1992,c.4,s.15	19/03/92
7.2,added	c.33(1st Supp.)s.1	01/06/86
7.3,added	c.33(1st Supp.)s.1	28/06/85
	S.C.1992,c.4,s.16	19/03/92
	S.C.1996,c.20,s.103	20/06/96
7.31,added	S.C.1992,c.4,s.17	19/03/92
7.4,added	c.33(1st Supp.)s.1	28/06/85
7.5,added	c.33(1st Supp.)s.1	28/06/85
	S.C.1992,c.4,s.18	19/03/92
7.6,added	c.33(1st Supp.)s.1	28/06/85
	S.C.1992,c.4,s.19	19/03/92
7.7,added	c.33(1st Supp.)s.1	28/06/85
	S.C.1992,c.4,s.20	19/03/92
7.8,added	c.33(1st Supp.)s.1	28/06/85
7.9,added	c.33(1st Supp.)s.1	28/06/85
	S.C.1992,c.1,s.5	28/02/92
8	c.33(1st Supp.)s.1	28/06/85
	S.C.1992,c.4,s.21	19/03/92
8.1,added	c.33(1st Supp.)s.1	28/06/85
	S.C.1992,c.4,s.22	19/03/92
8.2,added	c.33(1st Supp.)s.1	01/06/86
8.3,added	c.33(1st Supp.)s.1	28/06/85
	S.C.1992,c.1,s.5	28/02/92
8.4-8.5,added	c.33(1st Supp.)s.1	28/06/85
8.6,added	c.33(1st Supp.)s.1	28/06/85
	S.C.1992,c.1,s.3	28/02/92
8.7,added	c.33(1st Supp.)s.1	28/06/85
9	c.33(1st Supp.)s.1	28/06/85
10, repealed	c.33(1st Supp.)s.1	28/06/85

<i>Section</i>		<i>In force</i>
11, repealed	c.33(1st Supp.)s.1	28/06/85
	PART II	
12	c.33(1st Supp.)s.2	28/06/85
repealed	c.28(3rd Supp.)s.276	01/01/88
13-20, repealed	c.28(3rd Supp.)s.276	01/01/88
21(1)to(7), repealed	c.28(3rd Supp.)s.276	01/01/88
21(8)	c.33(1st Supp.)s.3	28/06/85
repealed	c.28(3rd Supp.)s.276	01/01/88
21(9)-24, repealed	c.28(3rd Supp.)s.276	01/01/88
	PART III	
26	c.33(1st Supp.)s.4	28/06/85
27	c.33(1st Supp.)s.4.	28/06/85
	c.28(3rd Supp.)s.359 (Sch.,Item 1)	01/01/88
	S.C.1996,c.10,s.205	01/07/96
28	c.33(1st Supp.)s.4	28/06/85
	PART IV	
29-34,added	c.33(1st Supp.)s.5	01/06/86
35,added	c.33(1st Supp.)s.5 S.C.1992,c.1,s.4	01/06/86 28/02/92
36-37,added	c.33(1st Supp.)s.5	01/06/86

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